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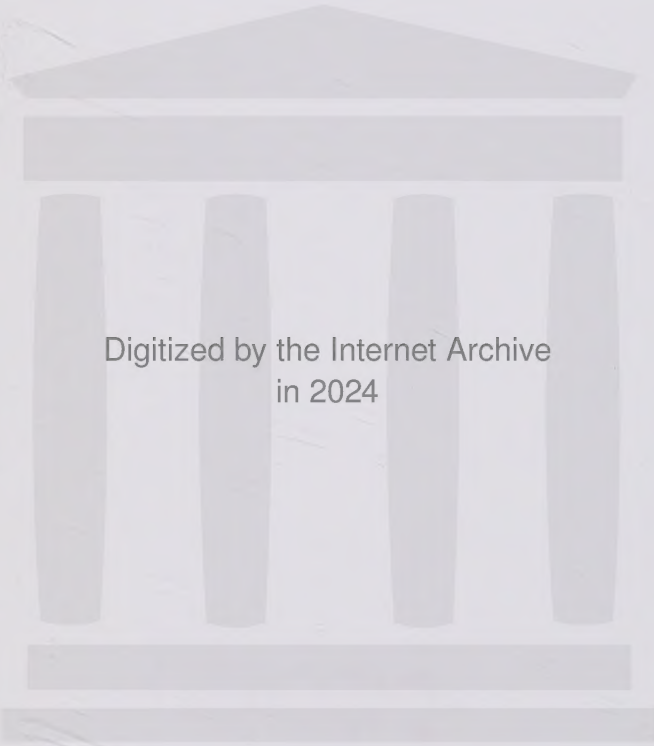
THE GOVERNMENT OF GEORGIA

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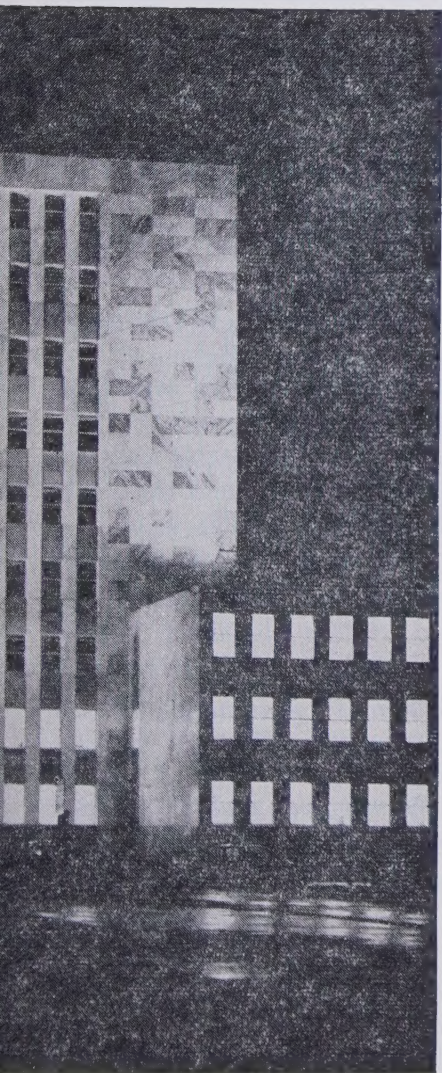


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THE GOVERNMENT OF



GEORGIA



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Science
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*The front cover is an illustration of Johnson Square and
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is the Richmond County Municipal Building in Augusta.*

PREFACE

In the preparation of *Georgia Government* Claude Davidson of the University of Georgia News Bureau was most helpful in finding and selecting many splendid picture illustrations. Mary Givens Bryan, Director, State Department of Archives and History, in the office of the Georgia Secretary of State, made several very valuable suggestions and aided the authors in finding needed information.

Lilla M. Hawes, Librarian, Georgia Historical Society, gave us valuable assistance as did Frank Rossiter, *Savannah Morning News*; Frances M. Vance, Chief, Child Welfare Section, State Department of Public Welfare; Wellborn R. Ellis, Administrator, Fulton County Department of Public Welfare; J. P. Carmichael, Agriculture Extension Service, Athens; Jack M. Forrester, Director, and J. B. Hatchett, Assistant Director, State Board of Corrections; and the office force in the office of Secretary of State Ben Fortson. Mr. Fortson himself kindly permitted the use of much statistical and other material gathered by his office.

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Branch, Engineering Experiment Station, the Georgia Institute of Technology, made research of his office available and permitted the use of some very helpful charts and diagrams. Herbert Arthur Otto, Assistant Professor of Education, University of Georgia, made some valuable suggestions on the chapter dealing with the State Department of Health after critically reading the chapter. Raymond Payne, Sociologist, University of Georgia, offered some valuable criticisms.

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We are grateful for all the assistance we have received, but only the authors can be blamed for imperfections. No one other than the authors can be held accountable for the opinions expressed.

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Chapter 1

INTRODUCTION

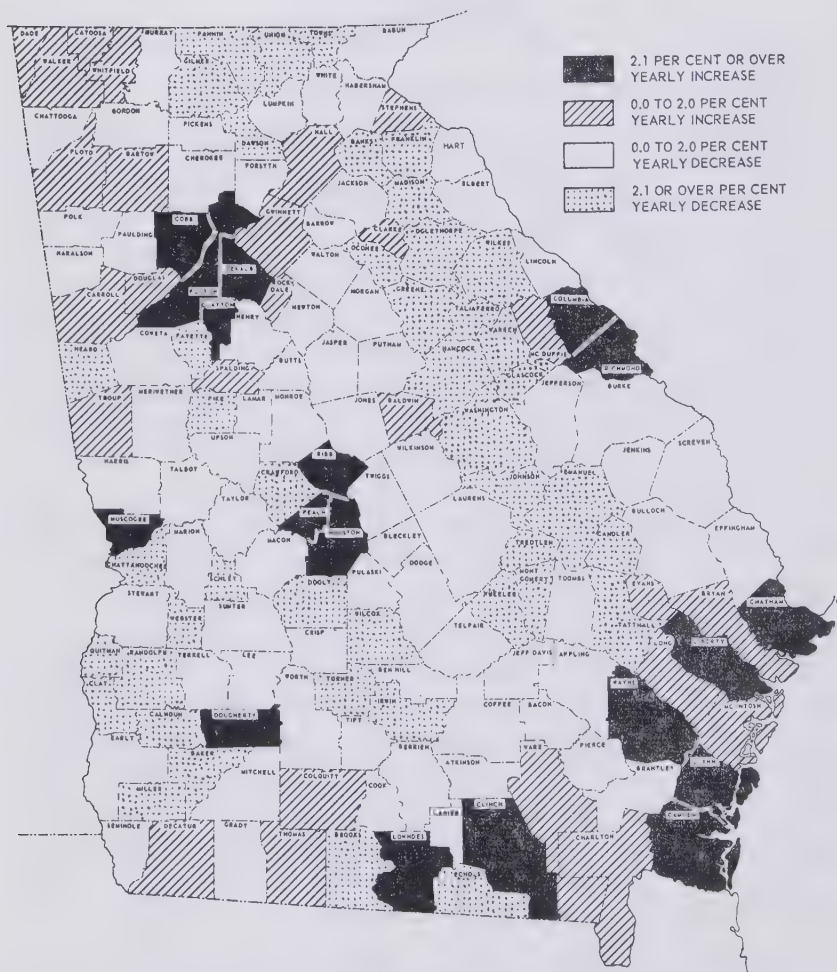
1. What Is Meant by Government

Government is, among other things, people. The population of this country at the present time is about 179,000,000 people. Almost 90 per cent are white, 10 per cent are Negro, and 1 per cent, other races. During the Revolution about 3,000,000 people lived in this nation. Today Georgia has 3,794,000 people and is the fourteenth largest state in population. About 70 per cent of Georgians are white, 29 per cent are Negro, and less than 1 per cent, other races. In 1773, the population of Georgia numbered about 35,000 people, almost one half of whom were slaves.

These facts alone, signifying radical changes, would challenge government to the utmost in keeping order and providing an environment for wholesome growth and development of the individual, but the tremendous increase in people has been accompanied by a constant change in our way of life, and a constant movement of millions of people seeking self-improvement and a better way of life. Over half our people changed their residences between 1940 and 1950. Only 28 per cent of the people now living in Atlanta were born there. Probably no other nation of the ancient or modern world has experienced the ferment and change associated with modern America. Fifty years ago the oxcart and the horse provided our land transportation; today everybody in Georgia could ride in locally owned automobiles at the same time. The middle-class family is rare that does not have radio, television, daily newspaper, weekly and monthly magazines, and books around the house. During the American Revolution most Americans could not read. Today only a few of our older people cannot read, and young people are nearly all within easy access of libraries which offer good routes to knowledge for the ambitious and the public spirited.

THE GOVERNMENT OF GEORGIA

POPULATION INCREASE OF GEORGIA COUNTIES, 1950 TO 1956



POPULATION INCREASE OF GEORGIA COUNTIES, 1950-1956

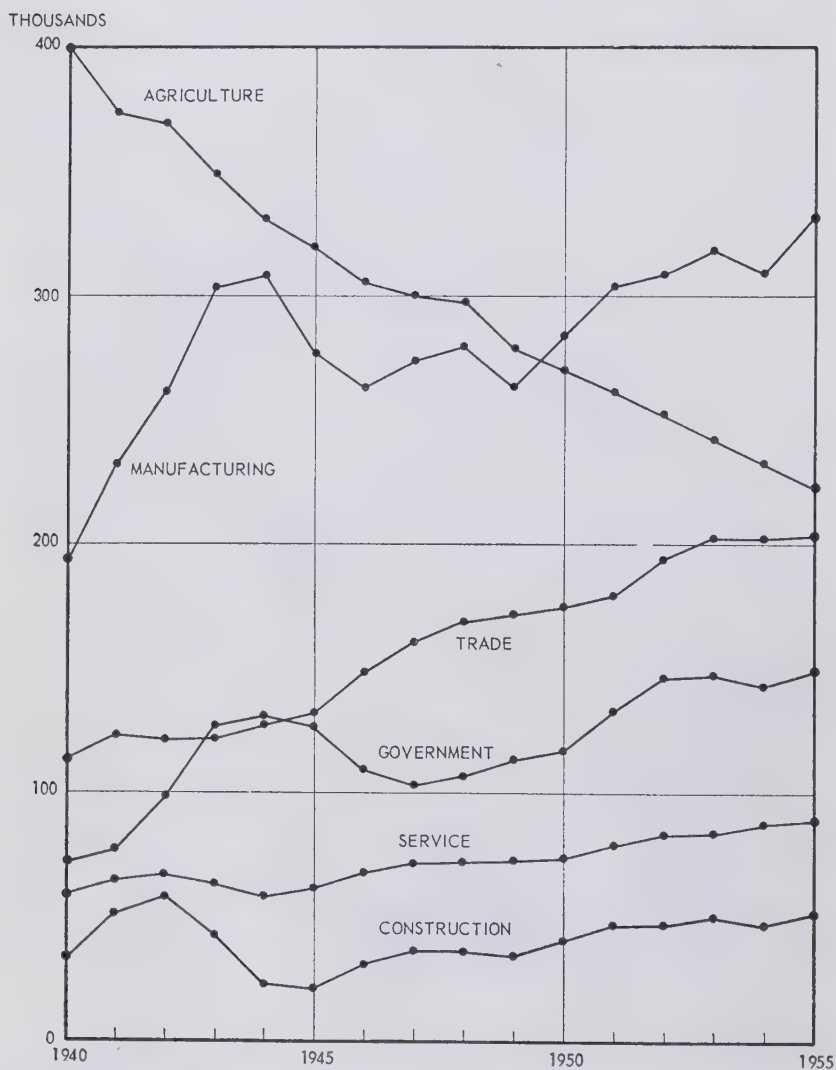
Ninety-five counties in Georgia have fewer people in them now than in 1950. Most migrants, white and Negro, are moving into fifteen or twenty urban communities of Georgia or are leaving the state. More than 150 people leave their home county each day and over half of them leave Georgia. While Georgia's population has increased 9 per cent since 1950, the nation's population has increased 13 per

cent. Private enterprise and government need to do much about this situation, as human beings are the most valuable resource in Georgia's society.

Along with these changes in our places of living come changes in our ways of making a living. Farms are being mechanized, reducing the need for hand labor. Georgia is becoming a cattle and poultry state, and cattle and poultry need less labor than row crops. Industrial workers, skilled craftsmen and laborers for hire, are on the increase as well as workers from the service professions, such as lawyers, doctors, teachers, engineers, and nurses. Barbers, laundrymen, and other tradesmen also are increasing. In contrast, Georgia farms were reduced from 170,000 to 165,000 in one year, from 1956 to 1957. This is a part of a national trend, as the farms of the nation dropped from 5,870,000 to 4,850,000 between 1947 and 1957. One of every eleven farm dwellers in the United States left the farm from April, 1956, to April, 1957. Wealth is concentrating in urban communities. Forty-four counties of 159 in Georgia have 67 per cent of the state's population and 73 per cent of the manufacturing employment.

This story of the change in our people and economy could be continued, but enough has been said to show the Georgia student he cannot afford to be ignorant of government and politics if he wishes to help build a state that will be a desirable place for his children to live. The changes noted only scratch the surface. If we do not understand such changes and improve our government and our economy to cope with them, our juvenile delinquency rate will continue to rise, other crimes will remain prevalent, living standards will remain relatively low, and peace of mind will not be found. Much remains to be accomplished. We can ill afford to remain in ignorance of what goes on around us; especially in the democracies, we cannot afford to avoid the responsibilities of citizenship.

A study of government by students in Georgia can mean a better understanding of governmental problems. Informed citizens are always essential to good democratic government



TRENDS IN MAJOR EMPLOYMENT SOURCES IN GEORGIA, 1940-1955

everywhere. In a positive way the government is the people, and in the final analysis the people are responsible.

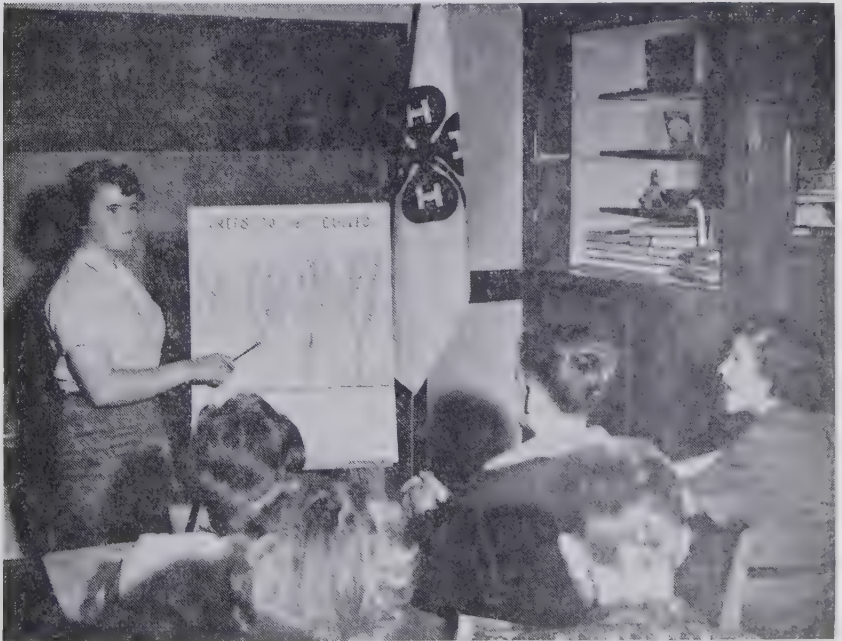
2. Who Is a Citizen

Each one who today is beginning the study of Georgia government is a citizen of the United States and a citizen of

Georgia or the state where he resides. Citizenship in the United States has no age limit, and the Fourteenth Amendment to the Constitution of the United States proclaimed in 1868, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

As citizens you are most fortunate people, for you are a part of the world's greatest democracy. In a democracy the citizen is, or may become, an active part of his government. Our governments, both state and national, are "of the people, by the people, for the people." As a citizen you are important, for one of the principles of a democracy is the importance of the individual. Ultimately the people are sovereign; that is, the people exercise supreme power.

Even though citizenship in the United States has no age limit, not all citizens can vote or hold office. We must,



JUNIOR CITIZENS

The 4-H Club gives junior citizens numerous opportunities to learn the various rights and duties of citizenship. This group is watching a demonstration in forestry.

of course, meet certain reasonable requirements, such as age (in Georgia the age requirement, which is only eighteen years, is the lowest in the nation, with the exception of Kentucky, where it is the same), residence, registration, and the ability to read and write or to pass a simple test. These requirements will be discussed in more detail later in this book and you need not consider them at this time. Each of you may become a voter, and, because you have advanced this far in your education, you will have no difficulty in meeting the voting requirements when you are eighteen years of age. The purpose of this course is to prepare you better to assume the responsibilities of citizenship when you become an *elector*, or a citizen who votes.

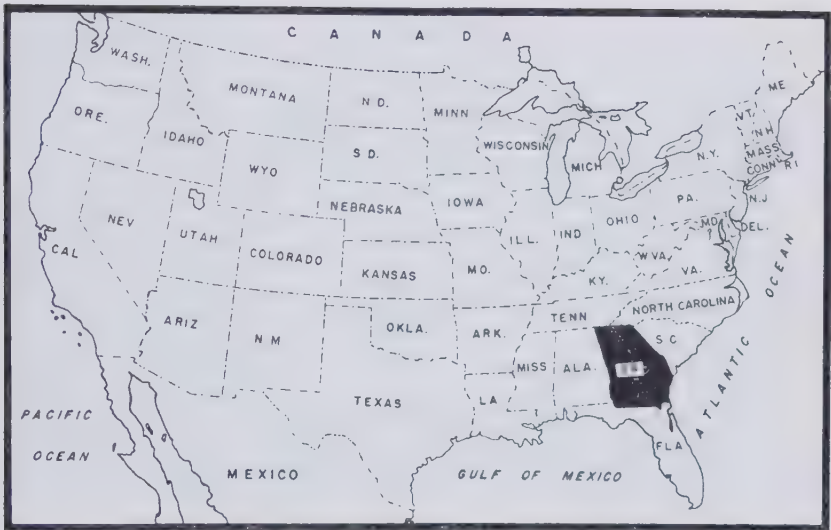
3. *Definitions of Government Terms*

As a study of the government of the state of Georgia is only a small part of the broad field of knowledge known as political science, and since from time to time we must use political science terms, it is necessary that we learn some definitions.

What is political science? Simply stated, political science is the study of the national state in all of its aspects.

What is a national state? The United States of America, England, Canada, France, and Mexico are illustrations of national states. A *national state* may be described as a body of people having their own territory and their own government and being independent of other states. The people of such a state have the power to make and enforce their own laws without consent of any other state.

Is Georgia a national state? Georgia, as one of the United States of America, lacks one of the essential elements of a national state, which is independence. Under the Articles of Confederation, our first written national constitution, which was in effect after the American Revolution from 1781 to 1789, Georgia and the other twelve states were independent and were bound together only in a "league of friendship." The United States then were a confederation. Under the



GEORGIA IN THE UNITED STATES

Georgia now occupies an important place among the states. The addition of Alaska and Hawaii has raised the number of states to fifty.

present Constitution of the United States, however, we are a federal union, and the citizens of Georgia are a part of the independent people of the United States. Our state government, it is true, exercises many important powers, but it must conform to the Constitution of the United States, which is an expression of the will of all the people. The same is true of the other state governments.

What is a government? Government is the political agent of the state. In the United States the government is thought of as the agent or servant of the people. When the present Constitution of the United States was written in 1787, some of the purposes of our government were expressed in the Preamble as follows: "We the people of the United States in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."



DEMOCRACY IN ACTION

An institute for Georgia city clerks and finance officers being held at the University of Georgia Center.

We trust our government to enforce the laws of the community, state, and nation. With every right goes a responsibility; and government, even in a democracy, must not only protect rights but must enforce respect for law and order.

What is democratic government? All democracies have a common set of values. Hundreds of years of thought and sacrifice by many people have gone into the development of these values. Widely accepted is the respect for individual personality and the belief in maximum freedom in self-development. Democracy is a society granting many voluntary choices, because it is the conviction of free people that making moral choices strengthens character. This emphasis on the value of the freedom of the individual goes back prior to the Christian era. The early Christians taught the brotherhood of man, respect for the individual, and faith in man's ability to realize goodness and human dignity.

Democracy does not carry freedom to absurdity. The individual must respect the equal rights of others and must

exercise freedom in a responsible way. If this respect for the equal rights of others is not practiced, freedom of speech, of press, of religion, and of assembly, and other basic principles of democracy cannot survive. The debates on public issues conducted on television, in the state legislatures, and in the newspapers would be impossible without a decent respect for the rights of others.

By contrast the fascists in prewar Germany and the communists in Russia rejected the democratic ideals of individual freedom and restricted government. Stupid humanity, according to the fascists, must have much direction from the ruling elite. A fortunate few, superior individuals in positions of political power, demand unquestioned obedience of the masses to the authority of the state and substitute this authority for democratic majority rule by elected representatives (democracy).

No organized opposition is permitted in the one-party fascist or communist state. No party struggle appears in the Supreme Soviet, the legislature of more than 1300 members in communist Russia. This legislature met only 105 days in twenty years under Stalin, did not meet at all for four years, and in recent years averages meeting only five days a year. The Congress of the United States meets several months each year.

What is a constitution? A constitution, as we think of the term in the United States, is a written document which describes the organization of a government and gives powers to it. These powers are limited and are granted by the people, the ultimate source of political authority. One of the great principles upon which our country and its government was founded was expressed in the Declaration of Independence in 1776. This principle is that "all just governments derive their powers from the consent of the governed." The Constitution of the United States is the oldest written constitution in the world.

Some countries, such as England, do not have written constitutions, but all civilized people must live under some

form of government. Even anarchists, who claim to believe that all governments are unnecessary and evil, admit that people must be controlled by some rules and regulations. When such rules and regulations are adopted to control the people, a government may be said to exist, because the word "govern" means to control.

In a democratic country such as ours the people govern themselves, directly, by making their own rules and regulations, which we call laws, or indirectly, by electing their representatives to make their laws for them. We have long since grown too numerous to make our laws directly, so we are a *representative democracy* and are governed by officials, whom we choose in free elections.

4. Types of Laws

Laws are rules regulating human conduct. Several types of laws, under which the individual is regulated and controlled in the interest of the greater number, exist. *Constitutional law* is law which is written in a constitution or may be implied from it. This law is basic and supreme over all other law. *Statutory law* is any law passed by a legislative body such as the Congress of the United States or a state legislature. Statutory law is superior to and may replace common law. Statutory law must not be opposed to constitutional law. *Common law* is many centuries older than statute law and is a term applied to customs that have been established, partly, by court decisions over a long period of years. A path or trail used over a long period of years may become a "right of way" under common law. In some places a right of way still is a common law. In recent years *administrative law* has become a common term. *Administrative law* refers to rules that have been made by regulatory agencies, such as the United States Interstate Commerce Commission or a state's Public Service Commission, which may be enforced by penalties. The awarding of a wave band to a designated television company by the Federal Communications Commission is accomplished under statutory law supplemented by



LARGE MACHINES BUILDING A NEW GEORGIA HIGHWAY

The United States Government and the Georgia government co-operate in building better Georgia highways.

administrative law of the FCC. The power to make administrative laws must be based on either constitutional or statutory laws. A committee of the American Bar Association, meeting in Atlanta in 1958, heard one of its committees report: "With respect to the legislative function, the fact is that more laws affecting more people are being written, not by Congress, but actually by administrative agencies." Many people have viewed with growing concern rule-making authority or lawmaking power and other powers exercised by independent administrative agencies, which Congress has created in such a way as to assure them independence of the administrative or executive branch of government. Some political science students think all of these agencies should be brought under the control of the executive department heads who are responsible to the President.

In a democracy it is expected that only such controls shall be placed upon the people as are necessary to accomplish the greatest good for all, leaving the individual as much liberty and freedom as possible. In a dictator country the



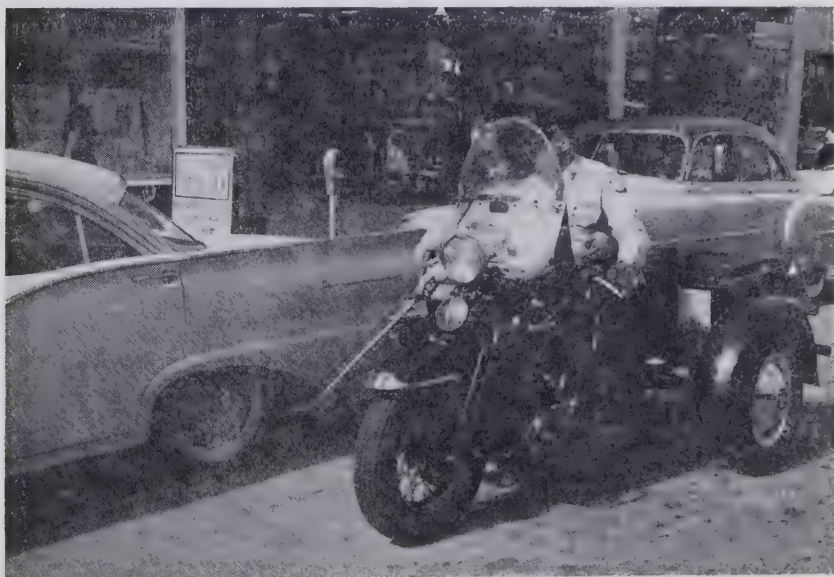
BROAD STREET, AUGUSTA, GEORGIA

Georgia citizens are provided many services by their governments. Paved streets, parking places, and regulation of traffic are some of these services.

opposite is true, and the dictator gives the people as little freedom as necessary and keeps as much power and control as he can. Russia is such a dictatorship.

When sometimes we hear people complain that we have too many laws and regulations, we should keep in mind that as population expands and our civilization becomes more complex, we need many laws. Law is statement of public policy. When people are living in great crowded cities, health problems, traffic problems, and communication problems demand stricter controls and more community services than the individual, acting alone, can provide. One hundred fifty years ago when Thomas Jefferson was President of the United States, most of our people lived on the farms upon which they made their livings. Very little mechanical progress had been made, and under such conditions not much

government was necessary. Today, however, we live in an electronic age of nuclear energy and jet engines. Space has been narrowed and outer space is being conquered. Practically every event of our daily lives is directly determined, regulated, or influenced by the various governments under which we live. We wake up in the morning after having been protected during the night by peace officers and firemen provided by our city or our county governments. We turn on water provided by our city. We prepare breakfasts of food, the purity of which is guaranteed by government inspectors, while we listen to the news over radio or television regulated by the government of the United States. We may ride to school in a school bus, provided by the county or the city, over roads, built by the county or the state with the aid of federal (United States) funds. Or we walk to school on sidewalks built by the city. We are protected at street crossings by city policemen or policewomen. We enter a building furnished by the city, the county, or the state, with books under



TRAFFIC OFFICER MARKING TIRES

To provide parking places for as many people as possible, Georgia cities employ policemen to insure that no one abuses the parking privileges.

our arms from the same source, and we study under teachers who are employed by government agencies. At lunch we eat food, probably provided by the government, and certainly inspected under government regulations. We play in public playgrounds, and at night we study under lights furnished by companies which are regulated by both state and national laws. As we sleep, man-made satellites speed overhead at 18,000 miles an hour, and the plane we hear as we fall asleep will drop its passengers on another continent before we finish breakfast in the morning. The world has become one big community, aggravating our domestic and foreign relations, presenting us constantly with new problems, but opening up great possibilities for human advancement and offering new challenges to our government, which test our democratic faith over and over.

5. *Why Study Government?*

The reasons for the study of government mentioned might be considered sufficient but many others arise. In the United States and in Georgia you are, or may soon become, a part of your government. When you become an elector (a citizen who can vote) and cast your vote, you are actually participating in government. You may also qualify to run for and hold public office. You will have many rights, but you will also have great responsibilities. You should learn what your governments do and what your duties to them are. The lawmaking body of Georgia, the General Assembly, realized the importance of studying government when, in 1923, it passed a law requiring that each person who receives a diploma from a state-supported college must pass successfully an examination on the constitutions of the United States and Georgia. You have no reason for delaying your study until you are in college, and the study of your state government is a good place to begin. Thomas Jefferson, a wise American, felt that the success of a democracy depended upon educated voters, and he placed emphasis on political education.

ACTIVITIES AND QUESTIONS

1. Why are many Georgia people moving to the cities and towns?
2. Define (a) citizenship, (b) national state, (c) government, (d) democratic government.
3. Define the various kinds of laws.
4. Contrast democratic government with government under a dictatorship.
5. Why is government needed?
6. Why should you study government?
7. What is a constitution?
8. How many people are in your county? How many people were in your county in 1940?
9. About how many new industries have moved into your county since 1950? How has this affected the water supply? Sewage disposal? Taxes collected?

FOR FURTHER STUDY

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Chapter II

HISTORICAL BACKGROUND

1. The Colonial Government of Georgia

Georgia began its life on February 12, 1733. It was the last of the American colonies of England, which later were to become the original thirteen states of the United States of America. Georgia as a colony was different from all of the other colonies of England. Some of them, Massachusetts and Maryland, for instance, had been founded by religious groups which wished to worship in churches that differed from the established Church of England. Settlers in all the colonies came to the new world in hopes of raising their living standards. Many sponsors or investors in colonies were business men and were promoting what they hoped would be good business.

The founding of the colony of Georgia was inspired by the bad social and economic conditions in England in the eighteenth century. Great poverty, excessive drinking of strong drink, and much crime prevailed. Laws were harsh; many men, whose only crime was that they could not pay their debts immediately, were thrown into debtors' prisons. Out of these unfortunate conditions a religious revival began. It was led by churchmen but was aided by other leading citizens. This religious movement gave birth to the idea that some of the unfortunate people might be sent to America, where they could begin their lives over and make them better. A small group of prominent Englishmen led by James Oglethorpe, who was distressed over conditions in the debtor prisons, asked King George II to grant them as trustees a charter to establish a colony between South Carolina and Spanish Florida. The charter was granted, not entirely because the King and Parliament (the British lawmaking body) wanted to give unfortunates a new start in life, although the charter did emphasize this objective by denying any trustee



JAMES OGLETHORPE

The colony of Georgia was founded by James Oglethorpe whose purpose was to provide a better place to live for the poor of England.

the right to hold land in Georgia or accept any salaried position with the corporation, but in order that the new colony might supply England with some of the things which she had to secure from foreign countries. Georgia could also be made into a military outpost to protect the older colonies from the Spanish, who were in Florida. Georgia thus had a threefold purpose: to help unfortunates, to supply England with silk, wine, and other goods, and to serve as a military buffer colony. Few debtors came, but some of the English poor did. The high death rate left few to carry on.

At that time three types of English colonies were in America. Massachusetts, Rhode Island, and Connecticut had charters which gave them a large degree of self-government. They chose their own officials and were called charter colonies. Delaware, Pennsylvania, and Maryland had been granted by the King to proprietors, such as William Penn and Lord Baltimore. These colonies were called proprietary colonies. The others, New Hampshire, New York, New Jersey, Virginia, North Carolina, and South Carolina, were considered the property of the King, who appointed their officials, and were called royal colonies.

During its first twenty years Georgia was similar to the proprietary colonies, since the government was under the



SAVANNAH, GEORGIA

The small settlement founded by Oglethorpe at Yamacraw Bluff has grown into the great seaport which sends cargo to all parts of the world.

control of the Trustees. The first colonists were chosen carefully from the most worthy of the unfortunates. Because of the military nature of the colony, Scotch Highlanders, who were very able fighters, settled in the lower part of the colony nearest to Spanish Florida. German Salzburgers and other Protestant groups came to establish their churches. Thus, early Georgia had many different types of people.

General James Edward Oglethorpe, an experienced soldier and one of the Trustees, came with the first group of settlers. He founded a colony on Yamacraw Bluff on the Savannah River, where the city of Savannah was laid out and built. Though he never held the title, he is usually considered the first governor of the colony which he founded and which was named for King George II, who had granted the charter. General Oglethorpe built Fort Frederica on St. Simons Island and spent most of his time there. He successfully defended the colony against a Spanish invasion from Florida in 1742, and shortly thereafter returned to England, where he lived to a very great age.

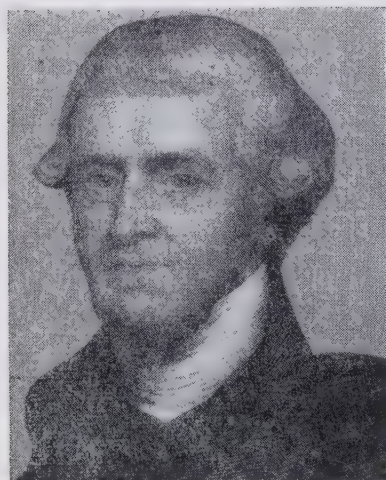
The Trustees governed Georgia very loosely for twenty years, begging grants from Parliament year after year until

1752, and then they resigned. Under their regulations rum and slavery were prohibited, and land granted to settlers by the Trustees could not be sold. These regulations were for the protection of the people, to prevent conditions such as they had left in England. Many colonists did not like these regulations and they were repealed before 1752, when the Trustees, who felt that the colony had not been a success, gave up the charter, which still had a year to run. Many colonists had migrated to other colonies or returned to England. Georgia then became a royal colony, governed as were

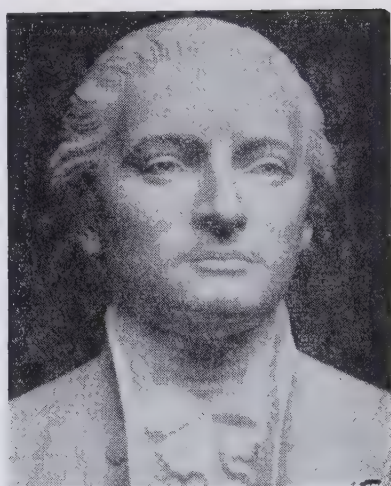


THE GRAVE OF TOMO-CHI-CHI

A young Savannah politician Frank Cheatham—a member of the state legislature—reads about Tomo-Chi-Chi, an old long-remembered Indian friend of the early Georgia settlers.



NOBLE W. JONES



GEORGE WALTON

Among the leaders in the Revolutionary period were the two Georgia men, Noble Jones and George Walton.

other royal colonies, and had three royal governors appointed by the King before becoming independent of England in 1776. James Wright, the last royal governor, was successful in business and politics. Wright owned a dozen plantations, and the colony prospered as well. Indigo came from South Carolina and the slave trade was brisk. Had it not been for New England settlers around Midway, and American patriots around Savannah, Georgia might have been reluctant to fight the mother country. In 1752, Georgia's population was 2,381 whites and 1,066 Negroes. By 1772, the population had become more than 33,000 people, almost half of whom (15,000) were slaves. This was a large increase.

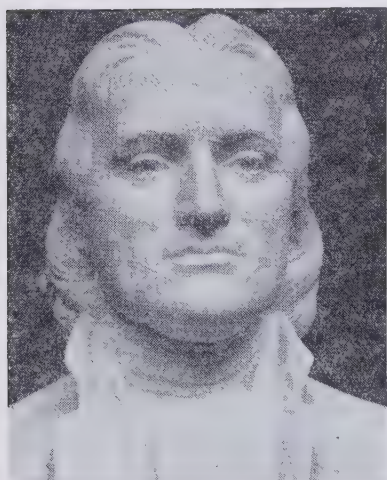
2. The Continental Congresses

In 1774, most of the thirteen colonies were dissatisfied with their treatment by England, and the First Continental Congress was called to assemble in Philadelphia to protest. Twelve colonies sent delegates. Georgia was not represented because it had been better treated than the others and, also, being so recently established, many of its citizens were born

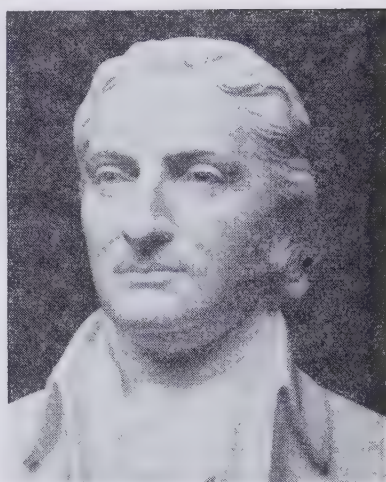
in England and were still loyal to the King. However, dissent was sometimes heard in Tondee's Tavern in Savannah, which became the headquarters for the Liberty Party. Joseph Habersham, Noble W. Jones, Archibald Bulloch, John Houstoun and George Walton were slowly emerging as radical leaders. Lyman Hall and Button Gwinnett of Midway were leaders of a recently migrated New England group. In 1775, delegates from all thirteen colonies assembled in Philadelphia in the Second Continental Congress. After a year of fighting against English soldiers, the colonies, acting through their delegates in Congress, on July 4, 1776, declared themselves independent. In 1781 all English soldiers had been withdrawn from our land, and the thirteen independent states became the United States of America under the Articles of Confederation, our first written national constitution. Georgia was one of the first states to agree to this constitution.

3. *The Articles of Confederation*

Under the Articles of Confederation the United States became a confederation. Each state was independent and paid taxes to the central government only if it wished to do so, as requests for money were not enforceable. Also, under this constitution the government had no control over the individual but could act only ineffectively through the states, even when raising an army. A Congress was established, but no provision was made for an executive department or president and a central court system to enforce the laws of the Confederate Congress. The confederate government had no control over the relations between the states. Business conditions were bad. The states were poor and jealous of each other. Because they had no gold or silver, the states and the central government issued paper money without security in such large quantities that it was of little value in the state which issued it and was worthless in other states. Thomas Jefferson paid \$3,000 for two calls of a doctor. A slang expression in common use even today, "not worth a continental," refers to this paper money. Arguments as to trade



BUTTON GWINNETT



LYMAN HALL

Among the Georgia leaders during the Revolutionary period were Button Gwinnett and Lyman Hall, who were members of the Continental Congress and signers of the Declaration of Independence.

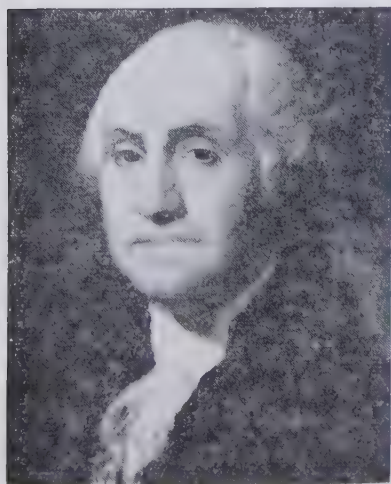
between the states arose, and the new confederation was about to fall apart. It is for these reasons that the period from 1781 to 1789 has been called "the critical period in American history." The more influential citizens were so concerned that they prevailed upon the states to send delegates to a convention in Philadelphia to consider making the central government stronger. Earlier Georgia groups had indicated their interest in strengthening the Union. A Wilkes County grand jury, in 1786, recommended that Congress be given the power to levy imposts on foreign goods, and Liberty County wished to see Congress' power to regulate commerce increased to protect local trade.

4. The Convention of 1787

This Constitutional Convention opened on May 25, 1787, eleven disturbing years after the signing of the Declaration of Independence. Fifty-five delegates representing twelve of the states attended at some time while the convention was in session. Rhode Island did not send delegates. Though most of the delegates had been instructed by their states to

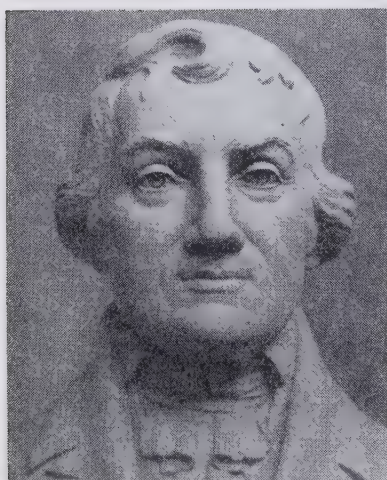
discuss revising the Articles of Confederation, they decided early to recommend an entirely new constitution. William Pierce of Georgia expressed the mood of many members when he said, "State distinctions must be sacrificed so far as general government shall render it necessary—without, however, destroying them altogether."

The convention of 1787 succeeded beyond all reasonable expectations. The small working group of thirty-five or forty members made it possible to perform most work, debates and decisions, in general sessions. Numerous committees were unnecessary, as the serious members were willing to work all through the hot summer of 1787, to inject new life into the failing central government. The cobblestones were covered with dirt to lessen the noise on the street by the old State House in Philadelphia, where the Declaration of Independence had been signed and where the convention members were to work. They were meeting at just the right moment in history to reorganize the government. The Revolutionary War had been conducted by a precarious central government operating under an unwritten constitution (1775-1781) and the Articles of Confederation (1781-1789), but these critical years had afforded invaluable political experience to the people. Now it was time to use political students

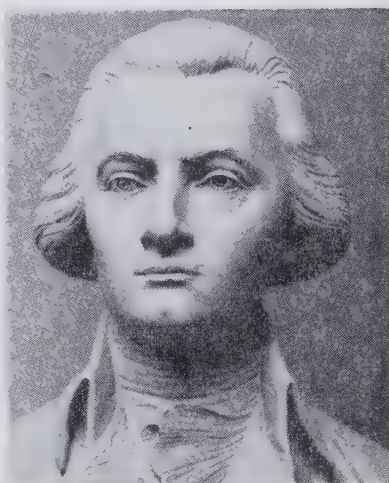


GEORGE WASHINGTON

The outstanding leader of the American Revolution was George Washington, who conducted the war to a successful conclusion and was chairman of the Constitutional Convention in 1787.



ABRAHAM BALDWIN



WILLIAM FEW

The most active member of the Constitutional Convention from Georgia was Abraham Baldwin. William Few was a member of both the Continental Congress and the Constitutional Convention.

of the caliber of James Madison and call on reason and experience in reconstructing and improving the government. Innovation and experiment were the order of the day. What did the people have to lose?

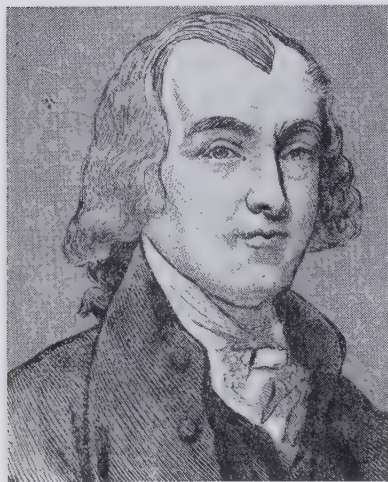
Before analyzing the basic principles of the new constitution, the student should know something of the political philosophy, the economic interests, and the purposes of the members of the convention. James Madison the principal architect, though by no means the sole one, was not a man of wealth. He was an able lawyer of fairly conservative views, who had studied the ancient as well as the modern governments of the world. Collectively the convention leaned toward the political views of southern planters like George Washington and successful northern business men like Alexander Hamilton. In short the convention was made up of patriotic statesmen who were conservative in training and outlook. Only six signers of the Declaration of Independence also signed the Constitution at the convention. Others were conspicuous by their absence. Thomas Jefferson was in Europe, representing the young republic as Minister

to France, John Adams was in England, Patrick Henry of Virginia refused to attend, and Samuel Adams, another great democratic leader of Massachusetts, was not there.

Six delegates were elected to attend from Georgia, but two of those never went to Philadelphia. Abraham Baldwin is sometimes credited with saving the convention by voting against his convictions at a critical juncture on the debate over the appointment of representatives in the national Congress. Baldwin was the most active member of the Georgia delegation. He was a graduate of Yale University, author of the charter of the University of Georgia, the first state university to be chartered, a "gentleman of family" and "acquainted with books and characters." He had served his state in official capacities, including the Congress of the Confederation. William Few, like Baldwin and the others, was a lawyer and he was at the time already in Philadelphia serving in Congress. Probably no member of the delegation had served the state in such a variety of capacities. William Houstoun was a "gentleman of family," who had been educated in England. William Pierce had been a revolutionary soldier, and had served in Congress, but his fame lives because he wrote the "Notes of Major William Pierce (Ga.) in the Federal Convention of 1787." These "Notes" are delightful character sketches of members of the convention and are widely quoted to this day. Pierce was also a member of Congress at the time of the convention. Abraham Baldwin and William Few signed the Constitution. William Few brought the first copy of the Constitution to Georgia when he arrived in Savannah on the sloop, *Friendship*, October 10, 1787. George Walton, a signer of the Declaration of Independence, never attended the Philadelphia convention. Nathaniel Pendleton was the other selected member who did not attend the meeting.

5. *The Basic Features of the Constitution of 1787*

The framers of the Constitution agreed that a stronger central government was necessary, although they disagreed violently over how much centralization was necessary and



JAMES MADISON

The Virginia Plan for the organization of the government based upon the Constitution was supported by James Madison, who has been called the "Father of the Constitution."

how it was to be accomplished. Reasonably wide recognition of the need to separate the powers of government into three co-ordinate but separate and equal branches of government, executive, legislative, and judicial, was indicated although some of the small states fought this arrangement.

James Madison, realizing the importance of the convention, gave the large states an initial advantage by writing out a new plan of union, called the Virginia Plan. Before the opposition was well enough organized to present an alternative plan, the psychological war had been largely won—that is, most delegates in their thinking and debating were using the large state plan and its basic concept of separation of powers as a point of departure, rather than the Articles of Confederation. The resulting document was quite different from the Articles, but was so well conceived by compromise and careful wording that it survives today without numerous radical alterations.

New Jersey, Delaware, and Maryland came forward with the New Jersey plan, which took a stronger states' rights position and advocated amending the Articles of Confederation to make it a more acceptable document. This small states group was especially insistent on each state,

regardless of size, retaining an equal vote in the new government.

The Virginia Plan with its suggestion for two legislative houses provided the structure for the convention's most important compromise. In fact, it saved the convention from disruption. To please the small states, it was finally agreed, each state, regardless of size, would have two members in the Senate. In the House of Representatives the states would have a varying number of representatives, depending on the number of people in each state. And that is why we now have this arrangement in the Congress. This compromise is usually called the Connecticut Compromise, or the Great Compromise.

The matter of how slaves were to be counted, as people or property, was settled by another important hard-headed compromise; this one was sectional in nature as the slaves were concentrated in the southern states. Each slave was to be counted as three fifths of a person in distributing members of the House of Representatives among the states, and in apportioning direct national taxes among the states. It was believed at the time that a head or poll tax might be used by the national government—but the tax never was used by the nation.

The national government was also given the power to regulate interstate and foreign commerce, with two exceptions. No export tax would be levied by the central government, and the slave trade would not be cut off by the Congress prior to 1808. A head tax of ten dollars on each slave could be charged to regulate the trade.

A strong, single, chief executive, called the President, was created, and a powerful, independent judiciary was provided.

Numerous powers were delegated to the central government. The supremacy of the Constitution was guaranteed, and it was made clear that the government was to operate directly on the individual. If the individual did not pay his national taxes, federal courts were set up to bring him to justice.

A method of amending the constitution was provided, and a novel method of ratifying the document was proposed. The Articles of Confederation provided a rigid unanimous vote of all states to change the articles. Convention delegates, realizing that it would be impossible to secure an early acceptance of each state, if at all, ignored the Articles, requested the Congress of the Confederation to submit the new constitution to a convention of delegates chosen in each state, and ruled that as soon as nine of the states agreed, the Constitution of 1787 would be the basic law of the new union of those states agreeing.

Eleven state conventions ratified in time for national elections in 1788, and the new union was inaugurated in the spring of 1789, with only North Carolina and Rhode Island still holding out for awhile.

Georgia was the fourth state to sign. Governor George Handley submitted the Constitution to the Georgia legislature in October, 1788, and on October 26, the legislature authorized an election of delegates, three from each county; the convention was to meet in Augusta, Georgia, in December. The first meeting was held on Christmas day but adjourned until December 29. John Wereat was elected president and on January 2, 1789, the delegates assented to, ratified, and adopted the Constitution. A thirteen-gun salute in front of the State House in Augusta announced the event "... just as the last name was signed."¹

Some people think that the Constitution is out-of-date and should be greatly revised or changed to meet the problems of modern living. However, we must remember it has stood the test of time and has provided us a basic framework for the best government in the world. Amendments have been added and can be added whenever the people think that a change is necessary for the good of the country.

¹E. Merton Coulter (ed.), "Minutes of the Georgia Convention Ratifying the Federal Constitution," *Georgia Historical Quarterly*, (Savannah), X, (1926), 229.

ACTIVITIES AND QUESTIONS

1. Why was Georgia founded?
2. What was Georgia like under Oglethorpe and the Trustees?
3. Describe conditions under the Articles of Confederation.
4. Comment on each of the Georgia delegates who attended the Constitutional Convention of 1787.
5. Describe the membership of the convention in general.
6. List the basic features of the Constitution of 1787.
7. Describe the ratification of the United States Constitution by Georgia.
8. Memorize the preamble of the United States Constitution.

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Chapter III

THE STATE IN THE NATION

1. *The Federal Union*

Before we begin our study of the organization and functions of the government of Georgia, it will be necessary for us to examine our Federal Union further, in order to learn just where our state fits into the framework of the United States. Constant references to the states are made in the Constitution of the United States, and it is impossible to understand how a state operates without knowing something of the relationship between the state and the nation and the other states. "The Founding Fathers," as the delegates to the Convention of 1787 are sometimes called, created something new, the federal state, with both state and national governments exercising power and influence directly upon the individual. They also made written constitutions popular. The Constitution of the United States is often called the "Mother of Constitutions" because it has been copied so often.

The great weakness of our national government under the Articles of Confederation was that the states were independent. Congress, which in effect was the national government since no president or executive branch and no national courts were established, had no control over the individual citizen and practically none over the states. The framers of the new Constitution wanted to give greater strength to the national government but at the same time to protect the individual citizen from too much government by the central government or the states. The principle of *limited government* was adopted. This means that neither the national government nor the state governments have powers other than those granted to them in the Constitution.

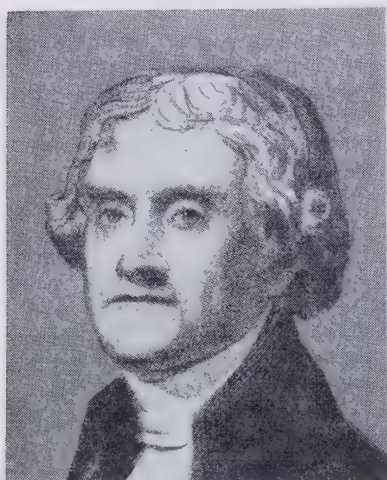
Article I of the Constitution of the United States, which deals with the powers of Congress, our national lawmaking



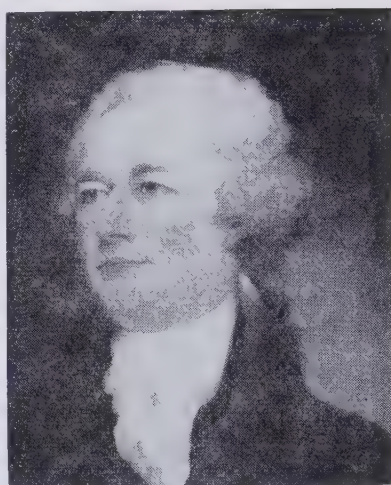
THE CAPITOL

The capitol is a symbol of the power and strength of the national government.

body, lists or enumerates certain powers that Congress may exercise. The Tenth Amendment to the Constitution, ratified in 1791, states, however, that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." These sections of the Constitution were the cause of bitter arguments for many years as to the relative power of the national government and the states. One group, led originally by Thomas Jefferson of Virginia, held that Congress could exercise only those powers which were stated in Article I, Section 8. In other words, they demanded a strict interpretation of the meaning of the Constitution and held that "delegated" powers in the meaning of the Tenth Amendment meant "enumerated" and that unless a power was granted in actual words, Congress could not exercise it. Those who opposed this argument, led by Alexander Hamilton of New York, wished a more liberal, or



THOMAS JEFFERSON



ALEXANDER HAMILTON

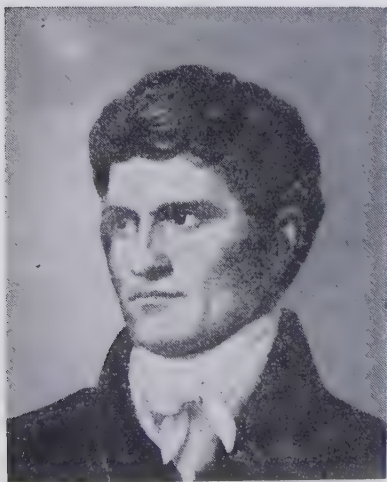
Thomas Jefferson believed in a strict interpretation of the Constitution while Alexander Hamilton believed in a loose interpretation of the document.

“loose,” interpretation of the wording of the Constitution, and claimed that Congress could exercise “implied” powers. They argued that if the Constitution gave Congress the power to coin money, that also “implied” the power to charter a bank to receive and protect this money.

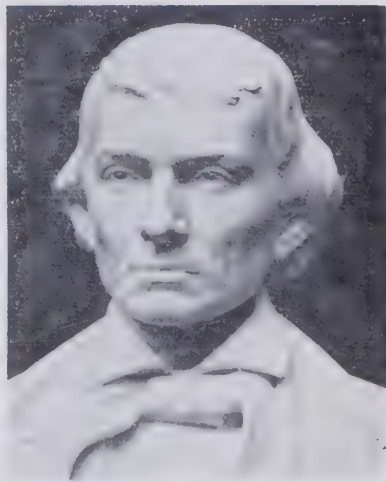
In 1816 Congress chartered for twenty years the Second Bank of the United States as an instrument of the Federal Government. A branch of this bank was located in Baltimore, and Maryland placed taxes upon its operations. McCulloch, cashier of the branch, refused to pay these taxes and the case, known as *McCulloch vs. Maryland*, was carried to the Supreme Court of the United States and was decided in 1819. The court was faced with two important issues. First, did Congress have the power to create a bank, and, second, could Maryland tax an instrumentality of the Federal Government? The court, speaking through Chief Justice John Marshall, upheld both the doctrines of implied powers and the supremacy of the national government. Although the word “bank” is not mentioned in the Constitution, in the opinion of the court, other powers, such as the right to

collect taxes, to borrow money, and to regulate commerce "implied" the right to make these powers effective by creating a bank. The tax law of Maryland was declared void as the court held "the states have no power, by taxation or otherwise" to impede the operation of laws "enacted by Congress to carry into execution the powers vested in the general government." Thus, in one decision two great principles of our federal system were pronounced by the court.

Another bitter argument that divided our people so sharply that it took the terrible War between the States to decide the issue was between "states' rights" and nationalism. Jefferson believed in states' rights and after his death such men as John C. Calhoun, of South Carolina, Jefferson Davis, of Mississippi, and Alexander Stephens, of Georgia, continued to argue that the states had not given up their independence when they agreed to the Constitution. They held that Congress was simply the agent of the states and could exercise only such powers as had been given to it by the states. Under this theory, unless the power was granted



JOHN C. CALHOUN



ALEXANDER STEPHENS

The doctrine of states' rights was upheld by these two men who believed that a state did not give up its independence when it joined the Union.

definitely to Congress in the Constitution, a state could then "nullify" a law of Congress. This meant it could declare that Congress in passing a law had exceeded its powers, and the law could not be enforced in the state that had nullified it. South Carolina, in 1832, under the influence of John C. Calhoun, did nullify a tariff law passed by Congress, but South Carolina did not receive the expected support from other states and soon repealed the nullification ordinance. Finally, the states' rights advocates argued that since the states had entered the Union voluntarily, if dissatisfied, any state could withdraw, or secede, at will. When eleven southern states, including Georgia, did actually secede, the War between the States was the result.

The verdict of the war and also of the Supreme Court of the United States is that we are "an indestructible Union of indestructible States." This means that no state may secede from the Union. But it is also well understood today that both the national government and the states have certain rights and powers, but these rights and powers are limited by the terms of the Constitution and are derived from the people of our country.

2. Our Federal System

Under the above interpretations we should examine several classifications of governmental powers. The national government through Congress may exercise only such powers as, in the opinion of the courts, are delegated to it in the Constitution. It should be kept in mind, however, that, since 1819, delegated powers may be either enumerated in the Constitution or implied therefrom. All other powers are reserved to the states unless specifically prohibited.

Thus, powers are "granted" or "prohibited." Granted powers may be "exclusive" or "concurrent." If they are exclusive that means that only the national government or the states may exercise them, not both. If they are "concurrent," either Congress or the states may exercise them.

Powers Granted to Congress Alone. The powers granted Congress alone are to be found mostly in Article I, Section 8,



AIRPLANES PROVIDE PART OF OUR DEFENSE SYSTEM

The Federal Government has the power and obligation of defending us against foreign enemies.

of the Constitution of the United States and include such powers as declaring war, making treaties, and regulating interstate commerce (trade between the states or between the states and foreign countries).

Powers Granted to the States Alone. Powers granted to the states alone are not generally listed in the Constitution but are "reserved" under the provisions of the Tenth Amendment. Among them are such things as the determination of suffrage qualifications (who can vote), control of local governments, and "police powers." Police powers are defined as regulations for the health, the morals, the safety, and the general welfare of the individual. Originally such powers were thought to belong exclusively to the states. In ways that will be discussed later, the national government has entered the field of police powers, but the states still retain the greatest control over the individual.

Powers Granted to Both Congress and the States. The concurrent powers are those granted to both Congress and

the states. The most important one of these is the power to tax the individual. Also, both the national government and the states have separate laws and courts of law; but under Article VI of the Constitution, if a conflict of powers arises, the national power is supreme. For example, the state may regulate commerce on the railroads within reason, but such regulations must not conflict with a national law regulating interstate commerce. This article is usually called "the supreme law of the land" article.

Powers Prohibited to Congress Alone. The first ten amendments to the Constitution of the United States, called the "Bill of Rights," are limitations on Congress alone. They include guaranteed rights of the individual. Such rights have been classified as "substantive" and "procedural." Substantive rights are considered to be of the essence of freedom under a democratic government. Substantive law deals with principles, essential rights or intrinsic rights. They usually mean that the individual is free from restraint as far as these rights are concerned. Such rights are freedom of speech, freedom of worship, and freedom of assembly and petition. Procedural rights deal with procedures or methods of operating, such as trial by jury, and are guarantees that restraints will be exercised in a reasonable and legal manner. It should be noted here that though the Bill of Rights of the Constitution of the United States applies only to the national government, elsewhere in the Constitution, usually by amendment, some of the restraints contained in it have been placed upon the states. Each state constitution also has a similar Bill of Rights guaranteeing the rights of its citizens.

Powers Prohibited to Both Congress and the States. Most of the prohibitions of the powers of Congress and the states are of the type mentioned above. That is, against the national government they are found in the Bill of Rights and against the states in other amendments. Thus, neither the national government nor the states (Amendment XIV) may deprive a person of life, liberty, or property without due process of law. Nor can a state deny any person equal



JUMP TOWERS AT FORT BENNING, GEORGIA

To train soldiers and provide for our defense, the Federal Government establishes training grounds and forts. This school is the largest infantry school in the United States.

protection of the law. The bus segregation and other racial segregation cases arise under these provisions. Some controversies over these powers have arisen.

Powers Prohibited to the States Alone. Most of the powers prohibited to the states alone are those granted to the national government exclusively, such as the power to declare war and make treaties. However, the Fourteenth, Fifteenth, and Nineteenth amendments are prohibitions on the states alone. Under the Nineteenth Amendment a person cannot be deprived of the right to vote because of sex. This amendment guaranteed women the right to vote in all states and has increased the number of voters.

Under the Constitution of the United States the national government has certain obligations toward the states, and the states have certain obligations toward one another.

Obligations of the National Government toward the States. The obligations of the national government toward the states are enumerated in Sections 3 and 4, Article IV, of the Constitution and include: (1) guarantee of a republican form of government, (2) recognition of the territorial integrity of each state, and (3) protection of the state against invasion and domestic violence. These obligations are guarantees and mean that we will be protected in our right to elect our state officials in fair elections; that a state's boundaries will not be changed without the consent of its people; and that the armed forces of the national government are available for the protection of the people of a state, if requested, and if the President of the United States thinks such protection is needed. This last point should be emphasized, because the President as commander in chief cannot be forced to act but does so only if he feels it necessary.

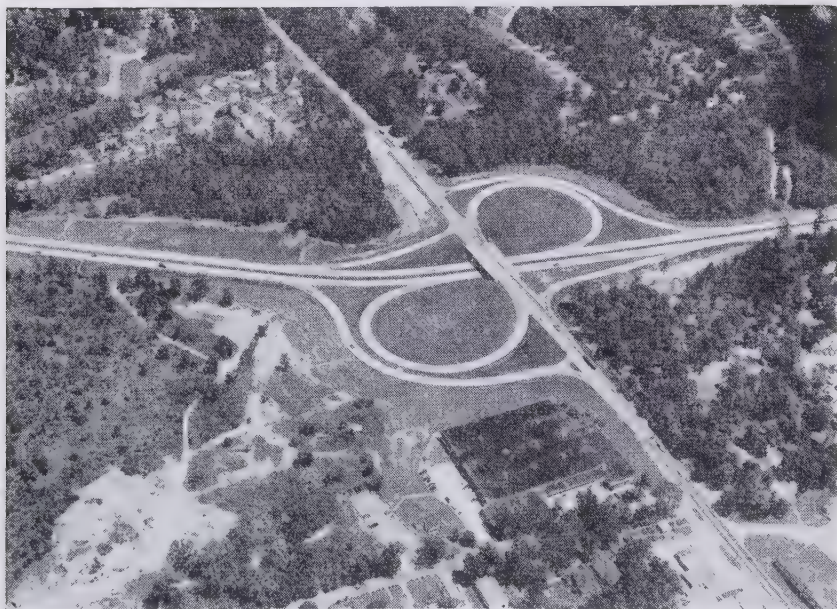
Obligations of the States toward One Another. Among the obligations of each state to the others are three of major importance. (1) *Full Faith and Credit.* Article IV of the Constitution of the United States says "Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state." For example a judgment of a Georgia court will be executed by another state without retrying the case. This is called the "Comity Clause" of the Constitution, comity meaning friendship. (2) *Interstate Citizenship.* Again Article IV states in Section 2, "The citizens of each state shall be entitled to all privileges and immunities of the citizens of the several states." The Fourteenth Amendment extends this obligation further in Section 1, which says "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. . . ." Taken together, these clauses mean that a citizen of any state at will may change his residence and citizenship to any other state, and that even though not

a citizen of the state in which he is temporarily residing, he shall have access to the courts and to whatever protection the state to which he has moved gives its own citizens. (3) *Rendition*. Section 2 of Article IV further states: "A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up to be removed to the state having jurisdiction of the crime." The giving up of a person charged with crime in this manner is called rendition, or between nations, extradition. Though the section of the Constitution quoted above seems to make rendition mandatory upon the governor of a state, this mandate is not easy to enforce. The Supreme Court of the United States, therefore, in a case called *Kentucky vs. Dennison*,¹ in 1861, has held that rendition is discretionary with the governor of the state to which the person charged with crime has fled. Consequently, some governors have refused to return persons upon whom rendition has been requested.

Co-operation between the States and the National Government. Of course, the national government gets most of its money from its citizens, who are also citizens of the states. Much of this money is spent in the defense of all of us, as our armed forces cost many millions each month. Some of the money we pay to our country in taxes, however, comes back to the states directly. For instance, Congress each year grants federal (or national) funds to each of the states for welfare, public health, highways, and in aid to the state's agricultural program.

The States Perform Certain Functions of the National Government. When Georgia makes laws on voting and when the votes of its citizens are cast for presidential electors and

¹In this case the governor of Ohio refused to return a fugitive to Kentucky. The Supreme Court held that rendition was a "duty," but that the national government had no way of forcing compliance. As the court said, the performance of the duty depends "... on the fidelity of the state executive to the compact entered into with other states when it adopted the constitution. . . . But if the governor of Ohio refuses to discharge this duty, there is no way the national courts can coerce or compel him to perform this duty." *Kentucky vs. Dennison* (24 Howard (U.S.) 66, 1861). Such refusals are rare when the total number of rendition requests are considered. Generally it is considered wise for the national courts to avoid taking sides in such disputes.



A CLOVER-LEAF INTERSECTION AT NORTHSIDE DRIVE IN
ATLANTA ON U. S. 41 TO MARIETTA

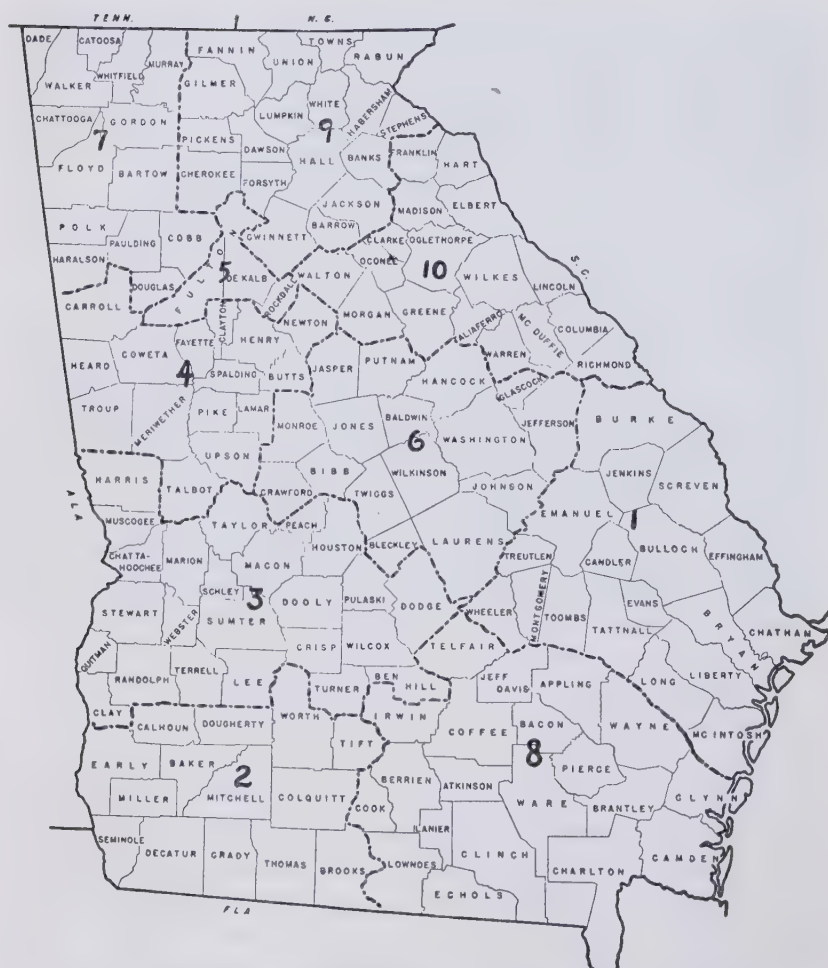
The federal and state governments co-operate in building modern highways for modern traffic needs.

for members of Congress, the state in reality is acting for the national government. The Selective Service boards which determine who will next be called into federal service are state and local boards working in the interest of the national government. Committees of farmers assist with various farm regulations, such as soil conservation, and local housing authorities administer federal regulations. Examples of such co-operation could be multiplied but these are illustrative.

Co-operation between the States. In addition to the constitutional obligations mentioned above, the states co-operate in other ways. Disputes between the states may be settled by the Supreme Court of the United States or by friendly agreement between the states themselves. States often enter such agreements. For instance, when the large Clarke Hill reservoir was built on the Savannah River, which is the boundary between Georgia and South Carolina, parts of both states

were flooded, and the former boundary line was obscured. Georgia and South Carolina both require fishing licenses, but they differ in cost. An unfortunate question of jurisdiction arose between game and fish officials of the two states, but it was quickly settled by a friendly agreement. As long as a person is fishing in the reservoir from a boat and has a license either from South Carolina or Georgia, he is protected. This is a simple illustration, but states can enter, and have entered, into more important friendly agreements.

Centralization versus Decentralization. Although the doctrine of national supremacy has long been established, for many years the national government exercised relatively few powers that the states wanted to exercise. Since 1917, and our entry into World War I, we have been faced with wars, depressions, threats of wars, and other crises. These have been due to troubled world conditions. The United States, the world's richest and most powerful nation, has strong, jealous enemies. In periods of crisis, such as war, it sometimes appears necessary to centralize power and control. This means to place more power in Washington. As a result, the old balance has been changed and more and more power has been given to the national government. This increase of power has come about in various ways. Some of it has been granted in the power to levy taxes on incomes by the Sixteenth Amendment. It took three fourths of the states to ratify (agree to) this amendment. The states similarly have decreased their powers somewhat by the Thirteenth, Fourteenth, Fifteenth, and Nineteenth amendments. Some national power has been gained by Supreme Court decisions, and, finally, Congress has gained power over the states by the use of subsidies (gifts) and grants-in-aid. To illustrate, when Congress grants Georgia money for highways, this money has to be spent as Congress directs. One of the big issues before us today is federal support of schools. Some of the poorer states, which would gain much under this proposal, are afraid it will mean federal control of local schools and another increase in national power. They are, therefore, opposed to such support.



COUNTIES AND CONGRESSIONAL DISTRICTS OF GEORGIA

In districting the state and holding elections for the selection of congressmen, the state performs certain functions for the Federal Government.

The two great issues discussed earlier in this chapter, states' rights vs. nationalism and the interpretation of the Constitution, were between those who favored more power for the states and those who wanted the national government to have more power. The issue is the same now, but the emphasis is different. Today few would argue that secession is right

or that Congress should be limited to the seventeen powers listed in Article I, Section 8, of the Constitution. Practically everyone, however, who is a student of American government, realizes that the power of the national government has increased. This fact can be viewed from three possible attitudes. One is that it is good and necessary in this troubled world and should increase. Another attitude is that national power has increased just about enough and should go no further. The third attitude is that it has gone too far and more powers should be returned to the states. Many Georgians take the last view.

Without regard to our own personal feelings toward this problem, the fact remains that the national government has gained powers, but the states have greatly increased their functions. Shift of power may be in response to international conditions. Increase in functions is due to national, state, and local conditions such as industrialization, growing population, rise of great cities, and mechanization of transportation.



THE WHITE HOUSE

The White House, in which the President lives, is a symbol of the power and greatness of the United States Government.

ACTIVITIES AND QUESTIONS

1. What was the principal defect of the Articles of Confederation?
2. What arguments went on between the Jeffersonians and the Hamiltonians over the meaning of Article I of the new Constitution?
3. Why is the case of *McCulloch vs. Maryland* so important?
4. Give examples of the kinds of powers granted the national government and the state government. What powers are prohibited to Congress? Prohibited to the states alone? Prohibited to the Congress and the states?
5. List and explain the three constitutional obligations of the national government to the state.
6. What is meant by "full faith and credit"? Rendition of criminals? Interstate citizenship?
7. Other than those listed can you think of any ways the state and national governments co-operate with each other?
8. Why have so many powers been assumed by the national government?

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Chapter IV

GROWTH OF CONSTITUTIONAL GOVERNMENT IN GEORGIA

1. Constitutional Government in Georgia Developed Slowly

Many of the Englishmen who came to America as settlers believed the new colonies should form their governments by drawing up contracts among themselves and securing as much guaranteed political freedom as possible from the British government. Under the three most liberal charters the colonizers had secured much freedom of action. Massachusetts, Connecticut, and Rhode Island were largely self-governing. Those Englishmen back home, who accepted the idea that government was a contract between those who are governed and those who do govern, pointed to such things as basic statutes, for example, the Bill of Rights of 1689; important practices or conventions of the government, i.e., the Cabinet; and important political customs, i.e., impartial Speaker of the House of Commons.

Church covenants providing for church government contributed to the organic law concept, also. But constitution making can be more accurately associated with the American Revolution. During the war with England some of the legislatures of the several states drafted fundamental laws and put them into operation immediately, but soon after the Revolution it became the practice for the people's representatives or delegates to be chosen to meet in especially called conventions to vote for ratification.

Thomas Jefferson looked on a constitution as a convenient way of restricting government activities and protecting the rights of the individual, rights like those listed in the Bill of Rights, such as freedom of religion and speech. Alexander Hamilton, Jefferson's political adversary, desired a constitution in order to stabilize a strong conservative system of

Georgia

By his Excellency
John Reynolds Esq.Captain General Governor and Commander in Chief in and over his
Majesty's said Province and Vice Admiral of the same—

A Proclamation

Whereas his Majesty by his Royal Proclamation given in
Whitehall the twenty fifth day of June One thousand seven hundred and
fifty two did continue all Officers then duly and lawfully possessed of
or invested in any Office or Trust Ecclesiastical Civil or Military in His
Majesty's said Province in their respective Offices and Employments until
his Majesty's pleasure should be further known— And whereas his
Majesty's said proclamation does now of Course determine therefore that
the Execution of Justice may not be obstructed and that good order and
tranquility may be preserved within his Majesty's said Province till other
Measures for that purpose can be taken. I have by and with the Advice and
consent of his Majesty's Honourable Council thought fit to issue this my
Proclamation requiring and commanding, and I do hereby require and command
all Officers duly and legally invested in any Office Ecclesiastical Civil or
Military in his Majesty's said Province to continue to exercise their respective
Trusts and Offices, until further Orders— And I do hereby command and
require all His Majesty's Subjects in the said Province to be obedient to,
and aiding and assisting the said Officers in the performance and Execution
of their respective Offices, as they will answer the contrary at their peril—

Given under my hand and the great Seal of this
His Majesty's Province, in the Council Chamber in
Savannah the thirty first day of October 1752 and in

By his Excellency's Command The Twenty eighth Year of his Majesty's Reign—
James Oakesham Secy. J. Reynolds

— God save the King —

A PROCLAMATION BY JOHN REYNOLDS ON JUNE 5, 1752

The royal governor of Georgia made this proclamation while he was
serving under George III of England. The document is blurred and some-
what faded as this photograph shows, but one can get an idea of the
writing and form.

government which could be used in a positive way to strengthen the economy. The important thing is that both great political leaders of opposing groups from the very beginning believed in written constitutions. Today all Americans accept the Constitution of 1789 as the highest law of the land, and in each of the states the people accept the state constitution as the law of the state. We may disagree about how the constitution should be modified to make the document more useful in attaining political objectives, but all accept it as the "highest" or "supreme" law.

In short, we have reached a high degree of agreement about what kind of government we want and how we want it to work, but we still reserve the right to fight for modifications or reinterpretations to keep our fundamental law in step with the needs of the times.

The American student must understand the importance of agreement in a constitutional system, or he will fail to understand a most important safeguard of our democratic way of life. Of necessity most of our political battles are fights that generate over matters that do not lead to many deep disagreements of a fundamental nature.

Constitutions are a part of our political heritage. A constitution grows; it cannot be decreed in a meaningful way from the top unless the document really conforms to the actual aspirations of the people, and only the people are in a position to say what their aspirations are.

Georgians have had more experience with constitutions than have citizens of most states. As English colonists they lived under a charter from 1733 to 1752. From then until 1776, Georgia was governed by royal governors appointed by the King. After the declaration of Independence in 1776, Georgians, busy with organizing themselves as an independent state, drew up a set of "Rules and Regulations" as a temporary measure. In 1777, the first Georgia Constitution was adopted, and since that time Georgia has been governed under seven others. It is worthwhile to examine briefly each of Georgia's constitutions and the reasons for its adoption.



HOME OF LACHLAN MCINTOSH IN SAVANNAH

The third legislature after the Revolution met in this house, which served as a temporary capitol.

2. *The First Seven Georgia Constitutions*

The Constitution of 1777. The first constitutional convention met in Savannah the first Tuesday in October, 1776. The Constitution was not proclaimed until February 5, 1777. The Constitution of 1777 was brief, as not much government was needed for the small, widely scattered population living a relatively simple agricultural and commercial life. The state's government under this Constitution, however, had a very adventurous and much-interrupted existence. The first state legislature met in Savannah in 1777, and again in 1778. When British soldiers captured Savannah in December, 1778, the seat of the state government was moved to Augusta. In

1779, Augusta was captured by the British and the seat of government was at Heard's Fort in Wilkes County for about a year. The legislature met again in Augusta in 1781 and 1782, but, when the British finally left the state, the capital was moved back to Savannah in January, 1783. In May of that year the capital was moved to Augusta to be nearer the center of population.

Two important facts are to be remembered about the Constitution of 1777. One is that the governor was not elected by the people but by the legislature, which was called the Council. The other is that the legislature was a unicameral body; that is, it had only one house. (The word unicameral comes from two Latin words, *uni*, meaning one, and *camera*, meaning chamber. Thus a unicameral legislative body is one with only one chamber, or one house, as it is customary to call the divisions of a lawmaking body in the United States.)

The Constitution of 1789. The Constitution of 1789, as most of Georgia's constitutions have been, was due to an important national event. For most of the time when the Constitution of 1777 was in effect, our national constitution was the Articles of Confederation. The important changes made in our national government by the adoption of the present Constitution of the United States made a change in Georgia's Constitution desirable. The Constitution of 1789 established a bicameral legislature (*bi* meaning two, thus two chambers or houses). The state has operated under this type of legislature since that time. Another interesting feature of this constitution was that it required the legislature to call a constitutional convention to consider changes in it within every five-year period. This provision was probably due to the influence of Thomas Jefferson, who felt that constitutions should be frequently revised so that every person living under their control should have a chance personally to agree to them. The second such convention, meeting in 1798, in Louisville, which had become the capital in 1796, drew up a new constitution. Before leaving the Constitution

THE GOVERNMENT OF GEORGIA

amended be agreed to.

It passed in the affirmative

G. H. The members of the Convention, approved
to sign the proposed Constitution

Done in Convention this twenty fourth
day of November in the year of our Lord
one thousand seven hundred and eighty eight
and of the sovereignty and independence
of the United States the thirteenth.

Geo. Handley, President.
and Clerk for the day.

Joseph Clay junr. &
Matthew M. Allister } Clerk = Mr. Wilson }
Brownson }
Mr. Lane } Effingham
Edw. Telfair }
Geo. Watson } Bush
Wm. }
James White }
Charles Crawford }
Arthur Smith }
Thos. Sullivan } Wilkes
John King }
Henry Osborne }
James Armstrong }
Nathl. Pendleton } Camden
Jesse Irwin }
John Watts }
John Rutherford }
J. H. Gardner }
S. C. Claiborne }
M. Woods } Franklin

A PART OF THE ORIGINAL DRAFT OF THE GEORGIA CONSTITUTION WRITTEN IN 1788 AND ADOPTED IN 1789

This page shows signatures of the members of the Constitutional Convention who met in 1788. By looking closely at this reproduction of the original signatures you can make them out.



GENERAL JAMES JACKSON

One of Georgia's best-known military leaders, James Jackson, helped defeat the Yazoo Act and became one of the great governors of the state.

of 1789, it should be noted that the qualifications for voting for the upper house, called the Senate, were different from those for the House of Representatives, the lower house. At that time every state had property qualifications for voting. This was to carry out the idea that only the ablest men should have a voice in government, and owning property was a measure of man's ability. The idea that the upper house of a legislative body should represent the aristocratic minority and the lower house the democratic majority was also widely accepted. Thus, it took twice as much property ownership to qualify for voting for a state senator as for a member of the lower house. Such distinctions long since have been abolished in all the states.

The first contest of a congressional election in Georgia history followed an election in 1791 between James Jackson, a Jeffersonian, and Anthony Wayne, a Federalist. Congress refused Wayne the seat as Jackson claimed many illegal votes were cast especially in the home county of Thomas Gibbons, Effingham. Gibbons had managed Wayne's campaign. A duel was fought over this incident between Jackson and Gibbons but no one was hit in the exchange of fire. Jackson fought several duels, no less than three with Robert Watkins over the Yazoo Fraud.

HEADQUARTERS

WEST GEORGIA REGIONAL LIBRARY

Under the Constitution of 1789, the famous "Yazoo Act" was passed in 1795. It is the most noted event in the history of the Georgia legislature. Four land companies secured from the legislature for \$500,000 some 30,000,000 acres of land west of the Chattahoochee River in what now comprises the states of Alabama and Mississippi. The land was a part of Georgia at the time. It was charged that bribery and fraud were used in securing the land cession. The legislature attempted to rescind the agreement, but the Supreme Court of the United States held in *Fletcher vs. Peck* in 1810



BURNING THE YAZOO ACT

Governor Jared Irwin signed the Rescinding Yazoo Act February 13, 1796, and the Yazoo Fraud Papers were burned before the Capitol on February 15, 1796. Governor Irwin stands just behind the messenger who holds the papers.



THE OLD CAPITOL AT MILLEDGEVILLE

Built during the administration of Governor John Milledge, 1802-1806. This illustration shows the building as it appeared in 1847.

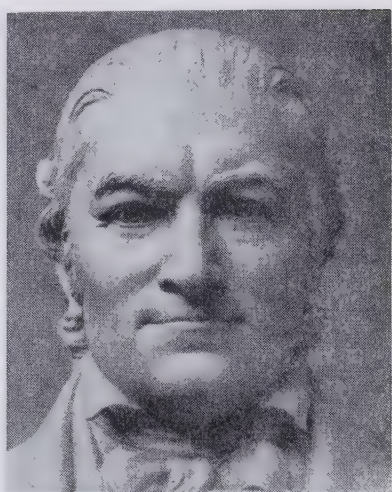
that a state could not abrogate a contract. The land in dispute was ceded to the Federal Government and the obligations of the contract assumed by it.

The Constitution of 1798. The convention of fifty-six members met in Louisville on May 8, 1798. Governor James Jackson was the recognized leader and prepared much of the constitution. This constitution lasted for sixty-three years, longer than any other Georgia Constitution, except the Constitution of 1877, and it was the first in the United States to carry this provision: "No law or ordinance shall pass containing any matter different from what is expressed in the title thereof."¹ This was aimed at preventing

¹John Forsyth as governor criticized the courts in his message to the legislature in 1828: "The condition of the judiciary requires your most serious attention. Under the present arrangement of eight judges of the superior courts, each confined to the circuit for which he was elected, supreme in his authority, not bound by the decisions of his predecessors or contemporaries and not always by his own, which will be in their turn disregarded by his successors, there can be neither uniformity nor certainty in the laws for the security of persons or property. . . Property is held and recovered in one part of the state, and lost in another part of the state, under the same circumstances. . ." quoted in Stephen F. Miller, *The Bench and the Bar of Georgia*, vol. II, pp. 26-27.



GEORGE M. TROUP



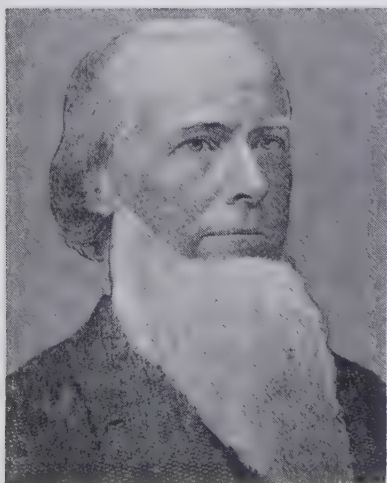
WILLIAM CRAWFORD

The first governor elected by the people of Georgia was Governor Troup, who took office in 1823. Holder of important positions in the national government, William Crawford was one of the important leaders of Georgia from 1800-1830.

a recurrence of the Yazoo Fraud. Under this Constitution the capital was moved to Milledgeville in 1806. The constant movement of the capital, each time farther west, indicates the changes in population center by the occupation of lands farther from the seaboard. The Constitution was amended in 1822 to permit the people to elect the governor, and in 1823 Governor George M. Troup became the first elected Georgia governor. Under this Constitution the first public school system was provided for by legislation, but this provision was not put into effect. In 1846 Georgia finally created a state supreme court to assure uniformity of the law throughout the state. In 1858 the legislature accepted the doctrine of judicial review in these words: "A decision of the Supreme Court shall be observed by all courts as the law of the state and shall have the same effect as if it had been enacted by the General Assembly." Some students have thought the Constitution of 1798 was in some respects the best constitution Georgia has ever had. In 1861 Georgia seceded from the Union, entered the Confederate States of America, and adopted the Constitution of 1861.

The Constitution of 1861. South Carolina seceded on December 20, 1860, and the Georgia legislature called a convention to meet in Milledgeville on January 16, 1861. The delegation included Alexander Stephens, Robert Toombs, Thomas R. R. Cobb, and Benjamin H. Hill. Cobb and Toombs urged secession while Stephens and Hill wanted to demand changes in the United States Constitution and to call a general meeting of all slaveholding states to meet in Atlanta in February. The secessionists won and an ordinance of secession passed 208 to 89. George W. Crawford, of Richmond County, the president of the convention then declared Georgia "free, sovereign, and independent."

On January 24, the convention chose ten delegates to attend a congress to be held at Montgomery, Alabama, to form the Confederacy. The Georgia convention met again in Savannah in March, 1861, and on March 16, the Confederate Constitution was adopted for Georgia. The state Constitution was revised and voted on by the people the first Tuesday in July. The people of Georgia thus adopted a constitution for the first time. This new Constitution is



JOSEPH E. BROWN



ROBERT TOOMBS

The Georgia Constitution which was adopted in 1861 was due to the work of these Georgia leaders.



ATLANTA CITY HALL IN 1860

Erected in 1854, this building served as the capitol during the meeting of the legislature in Atlanta in 1868.

important only for the reason that under it Georgia gave allegiance to the Confederate States, and it was the fundamental law of the state for the four years of the bitterly fought War between the States. In this Constitution no limitation was placed upon the number of terms a governor could serve, and Georgia's war governor, Joseph E. Brown, first elected in 1857, served four consecutive terms. It might be added here that the original draft of the Constitution of the Confederate States of America, to which Georgia's Constitution of 1861 was intended to conform, was in the handwriting of a Georgian, Thomas R. R. Cobb, of Athens. This original draft is now in the possession of the University of Georgia Library. It is well worth the time of any student or citizen to visit the various historic shrines and examine the original documents such as the Constitution described above.

The Constitution of 1865. General Robert E. Lee surrendered his Confederate army to superior numbers under General U. S. Grant at Appomattox Courthouse, Virginia, in 1865, and the Confederacy collapsed. President Lincoln proposed to the ex-Confederate States that if they would abolish slavery and ratify the Thirteenth Amendment and if ten per cent of the citizens would take an oath of allegiance and draw up new constitutions, they would be readmitted into the Union. Georgians, generally, took the defeat of the Confederacy in good faith and carried out President Lincoln's proposals. The Constitution of 1865 was the result. In the meantime, President Lincoln was killed and a radical element, bitter toward the South, gained control of Congress. Georgia's congressmen were refused their seats, and Congress imposed additional conditions upon the southern states. As most of the native white Georgians were not allowed to vote because of their former allegiance to the Confederacy, "carpetbaggers" (adventurers who had come South to prey upon its helplessness) and "scalawags" (native whites who co-operated with the carpetbaggers) gained control of the state government. Under these conditions the Constitution of 1868 was adopted.

The Constitution of 1868. Under the Constitution of 1868 and upon the additional conditions imposed by Congress that Georgia ratify the Fourteenth Amendment, the state was temporarily readmitted to the Union. The twenty-eight Negro members were removed from the legislature in September, 1868, on the grounds that the old provisions of the law were still in force under the new Constitution. In other words the Fourteenth Amendment was not enforced. Georgia congressmen were again refused their seats, and it was not until 1870 that the state was finally and permanently readmitted. The Constitution of 1868 was adopted by the people by a vote of 89,007 for adoption to 71,309 against adoption. Its adoption was complicated by the fact that it provided for removal of the capital from Milledgeville to Atlanta. It was a wise choice, as Atlanta is still the capital.



THE CAPITOL FROM 1869-1889

Erected by the Kimball brothers, this building was used as the seat of government for twenty years.

The Constitution of 1877. The Constitution of 1868 was not altogether a bad one; in fact, it had many good features. However, under it much wasteful spending of public money had occurred, and it was associated with the carpetbag rule. In 1877, federal soldiers, who had been stationed in the ex-Confederate States since 1865, were withdrawn. Hardly had they departed before the native white people again took control of their state governments. Many of the southern states rejected their reconstruction constitutions and wrote new ones.

Influenced largely by General Robert Toombs, of Wilkes County, who had been a Confederate soldier and also a member of President Jefferson Davis's cabinet, a constitutional

convention met in Atlanta. The Constitution of 1877 was drawn up and accepted by the people. It was extremely long and detailed. To prevent further financial abuses the General Assembly, as our legislature is officially called, was greatly limited in its powers. General Toombs boasted that he had "locked the doors of the treasury." Whether he "put the keys in the pockets of the people" or "threw them away" as he has been variously quoted, the limitations proved too severe to enable the General Assembly to meet the expanding needs of the state. Article IV, entitled "Finance," had to be amended many times to meet new conditions and problems.

In the light of the current debate concerning the apportionment of representatives, Toombs' words are interesting. . . . "My objection to the present senatorial districts is that they do not represent anything. At least one branch of the General Assembly should represent population, but as at present constituted, neither does."

Though the Constitution of 1877 lasted longer than any other constitution Georgia has had and served the state during one of its greatest periods of expansion, it had its defects. It was amended so often that even before 1920 it was being referred to as a "patchwork," or "a conundrum no court could solve"; and Georgia was compared to a man trying to wear a suit of clothes which had been made for him as a boy.

3. The Present Constitution of Georgia

In 1931, Richard B. Russell, Jr., became governor of Georgia. Under his leadership a complete reorganization of the state administration was carried out. More than one hundred boards, bureaus, and commissions were reduced to eighteen. State colleges, each with its separate board of trustees, were reduced in number from twenty-eight to sixteen, and their control was placed under one board of Regents of the University System of Georgia. All of this was done, however, by one act of the General Assembly, and not a single constitutional change was made.



ELLIS ARNALL



RICHARD B. RUSSELL

A reorganization of state government took place during the term of Governor Russell, and the Constitution was revised during the term of Governor Arnall.

Since a legislative body cannot by a simple law bind its successors, additional agencies were created practically every time the General Assembly met, and the number of administrative agencies again rose sharply. Constitutional amendments also became more frequent, and by 1945, the Constitution of 1877 had been amended 301 times. During this same period, from 1877 to 1945, the Constitution of the United States was amended only six times.

In 1942, Ellis Arnall ran for governor on a campaign pledge to revise the Constitution of 1877, and his election brought about the present Constitution of Georgia.

Adoption of the Constitution of 1945—Georgia's Present Constitution. It has become increasingly difficult in recent years to persuade a state legislature to call a constitutional convention. The reason for this is that once such a convention meets, it can adopt any changes it sees fit and present them directly to the people for their approval. Naturally the legislature does not like to grant such powers to another group of citizens but prefers to keep control of constitutional changes within itself. It is especially difficult,

sometimes impossible, to get the legislature to call such a convention when it requires a two-thirds vote of all elected members of both houses as it is done in Georgia. One third of the people live in the five largest counties which would be entitled to one third of the convention delegates. The legislature fears this urban county influence.

Governor Arnall, therefore, in carrying out his campaign pledge, secured a legislative resolution in 1943, providing for a commission on constitutional revision. This commission could recommend to the General Assembly either constitutional amendments or an entirely new constitution, but any changes had to be approved by two thirds of the members of the General Assembly before being submitted to the people. The following diagram will illustrate the difference between a convention and a commission on revision.

CONVENTION PLAN	COMMISSION PLAN
1. General Assembly by a two-thirds vote in each house authorizes a convention. In so doing it determines the number of delegates and how they shall be elected but does not say who they shall be.	1. The General Assembly by a simple majority vote authorizes a commission on revision and designates who shall be members.
2. The voters elect delegates to the convention.	2. The commission recommends changes to the General Assembly.
3. The convention draws up a constitution and refers it to the people.	3. The General Assembly refers to the people only that portion of the commission's recommendations which two thirds of both houses approve.
4. The voters agree to or reject the new constitution.	4. The voters agree to or reject the new constitution.

The commission on revision, consisting of twenty-three members, was much smaller than the usual convention. This was felt by some to be an advantage, as it easily could be divided into a few relatively small working groups. Five

of its members were ex-officio. Ex-officio (from the office) means that a person holding a certain office becomes a member of a board or commission because of the office he already holds and does not have to be appointed or elected as are the other members. The ex-officio members were the governor, the president of the Senate, the speaker of the House of Representatives, the attorney-general, and the state auditor. Three members of the Senate were appointed by the president of the Senate. Five members of the House of Representatives were appointed by the speaker of the House. A justice of the Supreme Court and a judge of the Court of Appeals were selected by the other members of these courts. The governor was permitted to select eight members, two superior court judges, three lawyers, and three others.

Though the commission had the power to recommend either amendments or a new constitution, it decided early to take the latter course. On one controversial subject, whether the governor could serve more than one consecutive four-year term, the vote was tied, and Governor Arnall as chairman, broke the tie by voting not to restrict the governor to one term. The General Assembly, however, put this restriction back into the Constitution before submitting it to the people. In 1945, the new Constitution of Georgia was accepted by the people, and Georgia became the first state to adopt a constitution drawn up by a commission on revision, rather than by a convention. This method may become popular in other states in the future.

ACTIVITIES AND QUESTIONS

1. How did Jefferson and Hamilton interpret the need for a constitution?
2. What is meant by "consensus"? What consensus have the people of the United States reached concerning the Constitution?
3. In what places was the Georgia capital located between 1776 and 1783?
4. How did the Georgia legislature differ under the constitutions of 1777 and 1789?
5. What was the Yazoo Fraud? Who was James Jackson?
6. How long did the Georgia Constitution of 1789 last?

7. Where was the capital of Georgia located in 1806?
8. How did the Constitution of 1798 change the method of electing the governor?
9. When was the Georgia Supreme Court created? What did John Forsyth say about the absence of a Supreme Court in 1828?
10. How was the Georgia Constitution of 1861 adopted? What change did this Constitution make in the term of the governor?
11. Under what conditions did Lincoln propose the restoration of state powers in the South after the defeat of the Confederacy?
12. Why was Georgia's final readmission to the Union delayed until 1870?
13. Why did Georgia adopt a new constitution in 1877?
14. What innovations were made in state government during the Russell administration?
15. Why was the "commission plan" for revising the Constitution used in 1945 rather than a convention?
16. What were the supposed advantages of the 1945 commission over the typical convention?

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Chapter V

THE CONSTITUTION OF THE UNITED STATES AND THE 1945 CONSTITUTION OF GEORGIA

Since written constitutions are the basic laws of democratic states and the source material of any course in state government, it is well as a background for the study of the government of Georgia to examine the Constitution of the United States and that of Georgia and compare them.

1. *The Constitution of the United States*

The Constitution. This document dates from 1789, by which time it had been agreed to by eleven of the original states. By 1791, North Carolina and Rhode Island made agreement to it unanimous. It has influenced constitutions throughout the world, but rare is the document that can match its excellent qualities. The states of the Union have copied many features of the national Constitution, and even city charters have been influenced by some of the provisions, such as the separation of powers into legislative, executive, and judicial branches. It is a relatively short document of some 5,000 words composed of a preamble and seven original articles, the first and longest of which deals with Congress, our national lawmaking body. This Constitution is short because its framers sought merely to outline the framework of the new government and leave the minor details to Congress. It was also their opinion that while the national government should have power over the individual, where the exercise of such power was necessary for national strength and security, the major national relationships would be with foreign countries and the states. This would leave to the states contact with and control over the individual and his activities. Nevertheless, some who feared that the national government, unless positively restrained, might exercise too much power over the citizen, demanded, as their



CONGRESS IN SESSION

The Georgia Assembly is patterned after Congress, which is shown in joint session.

price for support of the new Constitution, that certain guarantees to the individual be placed in it. Accordingly, after the first meeting of Congress, twelve amendments were submitted to the states and ten of them were ratified (or agreed to) in 1791. These ten amendments are commonly known as the "Bill of Rights." The first nine amendments guarantee rights to the people, such as freedom of speech, freedom of religion, and trial by jury. The Tenth Amendment was designed to protect the states against the national government. Since 1791, only twelve additional amendments have been approved. The twenty-two combined are shorter than the Bill of Rights of the average state constitution which is usually only one article.

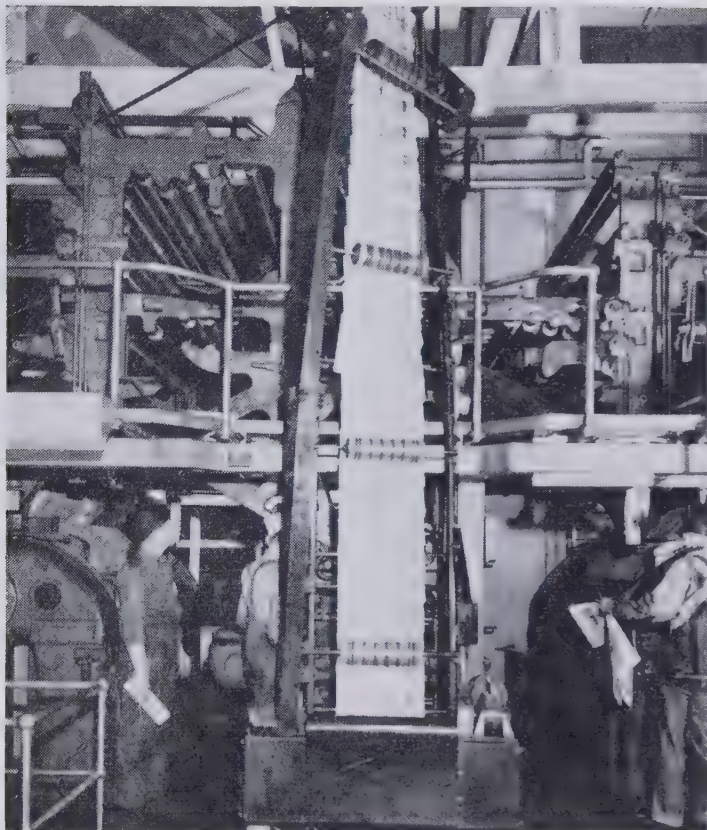
Early state constitutions, like that of the United States, were relatively short because society was simple, and there was not much contact even between the state government and

its citizens. Today, however, with our many cities and large population, state governments have taken over more and more functions and responsibilities and state constitutions are often long and complex. Little, often some people think, too little, has been left to chance or to the state legislature. The older state constitutions are as a rule the shorter ones. However, New Jersey revised its constitution in 1948, and it is a very short document.

2. *The 1945 Constitution of Georgia*

The present Georgia Constitution dates only from 1945, and it is one of the longer documents. However, nine states have longer constitutions. It is composed of a preamble and sixteen articles and has already been amended many times. State constitutions are strikingly alike in over-all organization. A brief analysis of the Georgia Constitution follows:

Article I. Bill of Rights. Article I is designed to guarantee to the individual certain rights as against the state government, as the first ten amendments to the Constitution of the United States guarantee such civil rights as against the national government. As our state government is nearer and in a closer relation to its citizens than is the government of the United States, many more guarantees are set forth. Georgia's Bill of Rights contains thirty-nine paragraphs, each of which is almost the equivalent of one of the first ten amendments to the Constitution of the United States. Section I, Paragraph I, of this article is a very fine definition of democratic government. It reads: "All government, of right, originates with the people, is founded upon their will only, and is instituted solely for the good of the whole. Public officers are the trustees and servants of the people, and at all times, amenable to them." Paragraph XVIII is one of the more interesting provisions: "The social status of the citizen shall never be the subject of legislation." Unlike the Constitution of the United States which does not mention the subject, judicial review is given in Section IV, Paragraph II: "Legislative acts in violation



PRESSES OF THE ATLANTA CONSTITUTION

Freedom of the press is one of the basic freedoms guaranteed by our Constitution.

of this Constitution, or the Constitution of the United States, are void, and the Judiciary shall so declare them.”

Article II. Elective Franchise. Article II tells who is eligible to vote in Georgia in both state and national elections. It will be discussed in more detail in another chapter. No article in the Constitution of the United States compares with it, as the states within certain limitations, determine suffrage qualifications.

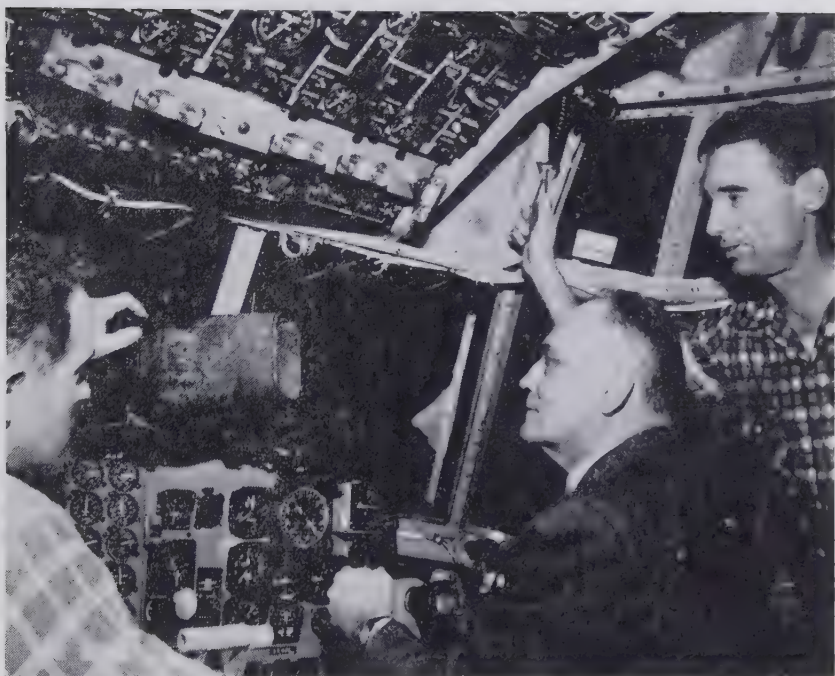
Article III. Legislative Department. Article III, like Article I of the Constitution of the United States to which it

corresponds, is relatively long. It will be discussed in detail in Chapter VI.

Article IV. Public Utilities, Eminent Domain, Police Power, Insurance Companies, Contracts, Etc. Article IV is a miscellaneous article designed, in general, to place limitations upon the legislative department. Among some of its provisions are the following: the General Assembly is denied the power to authorize a monopoly; a Public Service Commission is created to regulate utilities, such as gas, power, and transportation companies; and a charter revived or amended since the adoption of the 1945 Constitution becomes subject to its provisions.

Article V. Executive Department. Article V is much longer than Article II, the corresponding article in the Constitution of the United States. Georgia, in common with most of the states, has provided for many of its executive officers in its Constitution. Article II of the Constitution of the United States provides only for the President and Vice-President. The states, however, commonly provide for many of their executive officers by their constitutions and name their duties, terms of office, methods of election, and even salaries. In our national government such officials are provided for by Congress. The Constitution of Georgia under Article V, Section II, titled "Other Executive Officers," in addition to the governor and lieutenant governor, provides for the secretary of state, attorney general, state school superintendent, comptroller general, treasurer, commissioner of agriculture, and commissioner of labor, all of whom are elected at the same time and in the same manner as are the governor and lieutenant governor. In addition, Article V creates as constitutional boards the Game and Fish Commission, the State Board of Corrections, and the State Department of Veterans Service. These and other administrative officers will be discussed in later chapters.

Article VI. Judiciary. In contrast to Article III of the Constitution of the United States, Article VI is also very long. The reason for this contrast is that the federal court



EXAMINING A GEORGIA PRODUCED PLANE

One of the state officials who is elected is the commissioner of labor. Georgia Commissioner of Labor Ben T. Huiet is being shown an airplane made by skilled Georgia workers.

system is established in Article III by the simple statement, "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." Under this provision, with the exception of the Supreme Court, all federal courts have been established by Congress, and even the membership of the Supreme Court has been so determined. In the Constitution of Georgia, on the other hand, Article VI states, "The judicial powers of this State shall be vested in a Supreme Court, a Court of Appeals, Superior Courts, Courts of Ordinary, Justices of the Peace, Notaries Public who are ex-officio Justices of the Peace, and other courts as have been or may be established by law." Each of these courts is then described in detail as to composition,

jurisdiction, method of election, terms of office, and even salaries of the judges. The court systems of the United States and of Georgia will be discussed in detail in Chapter IX.

Article VII. Finance, Taxation, and Public Debt. Article VII is the longest article in the Constitution; it is longer than the entire Constitution of the United States with its twenty-two amendments. It is a catchall article designed primarily to limit the powers of the General Assembly in financial and taxation matters. These will be discussed in a later chapter. Four and a half pages of this article are devoted to a 1952 constitutional amendment establishing a five-member State Medical Education Board. The purpose of this board is to encourage young medical students to establish themselves in the rural sections of the state. To this end the board is authorized to grant loans to medical students not to exceed \$5,000 total or \$1,500 a year. There is a critical shortage of doctors in small towns and rural areas. According to a recent (1958) report of the United States Health Service, Georgia has ninety-four doctors for each 100,000 inhabitants, while the national average is 131.9 for the same number of people. Naturally the greater percentage of doctors are in the larger cities, and some counties in Georgia do not have a doctor. There is also a critical shortage of dentists, and nearly half of the counties in Georgia have only one dentist or none at all. As a matter of public health it is the responsibility of the government of Georgia to use every effort to correct this situation. This section deals primarily with education, which is the title of Article VIII. Other provisions of this article will be discussed in later chapters.

Article VIII. Education. Article VIII establishes the public school system, as well as the University System of Georgia. Chapter XIII is devoted to our schools, and it is not necessary to discuss this article further at this time. One paragraph, however, should be noted. It is the first paragraph of Section I, which states: "The provision of an adequate education for the citizens shall be a primary



THE LIBRARY OF VALDOSTA STATE COLLEGE

The public school system was established by the Georgia Constitution. These college students are making good use of their educational opportunities.

obligation of the state of Georgia, the expense of which shall be provided for by taxation. Separate schools shall be provided for the white and colored races." It is under this constitutional provision for the separation of the races in public schools that public officials in Georgia are basing their opposition to the recent decision of the Supreme Court of the United States that segregation of the races in public schools is unconstitutional.

Article IX. Homesteads and Exemption. Article IX exempts heads of families and certain others, who have obligations of support, from forceful sale of their property to the amount of \$1,600 for any reason whatever, but the debtor may waive his right to such exemption. It is one of the shortest articles of the Constitution.

Article X. The Militia. Article X, concerning the militia, states the fundamental principles of American democracy that "a well regulated militia being essential to the



AN ROTC UNIT IN A GEORGIA SCHOOL

College students receive military training which prepares them for the United States Army or the Georgia Militia.

peace and security of the State, the General Assembly shall have the authority to provide by law how the militia of this State shall be organized, officered, trained, armed, and equipped; and of whom it shall consist." The state militia is no longer of major importance. Since 1916 it has been called the National Guard. Though still available to the state and under the command of the governor for domestic use, it is also a part of the Armed Forces of the United States and is supported largely by federal funds.

Governor Eugene Talmadge used the militia in the fall of 1934 when the United Textile Workers of America called a strike of cotton mill workers. Governor Eugene Talmadge also used guardsmen to eject George B. Hamilton, Treasurer, and William B. Harrison, Comptroller, from office when they refused to follow the instruction of the governor. The disputes with Hamilton and Harrison developed out of quarrels between the governor and the legislature when the legislature adjourned without having passed an appropriation bill.

Governor Talmadge continued to operate the state without new legislation and refused to call a special session.

Article XI. Counties and Municipal Corporations. Chapters XI and XII are devoted to the subject matter of this article.

Article XII. Laws of General Operation in Force in This State. Article XII simply acknowledges as the supreme law in general operation in Georgia: "The Constitution of the United States, the laws of the United States in pursuance thereof, and all treaties made under the authority of the United States shall be the supreme law of the land." This much of Article XII is merely the acceptance of and agreement to Article VI of the Constitution of the United States. Article VI reads "All laws which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." Second in authority is the Constitution of Georgia. Third are the laws of Georgia not inconsistent with either of the above; and fourth, local and private acts. This article also confirms all laws in effect when the Constitution was adopted, all proceedings of the courts, and all existing officers until changes have been made by court decisions or new laws.

Article XIII. Amendments to the Constitution. Under Article XIII an amendment to the Constitution must be proposed by two thirds of the members elected to each of the two houses of the General Assembly. Such a proposal cannot be vetoed by the governor, but must be submitted to the people. If the amendment applies to the entire state, it must then be advertised in each congressional district for two months before the next general election in which it must be submitted to the people for ratification. If a majority of the people voting thereon favor the amendment, it is ratified and becomes a part of the Constitution. Many amendments adopted are of local application only. That means they



GEORGIA FOREST RANGERS DIRECTING AN ATTACK ON
A FOREST FIRE

One of the most valuable resources of Georgia is the forests. They are protected by the Georgia Forestry Commission.

apply only to one city or county or to a small area. Until 1952, even local amendments had to be advertised throughout the state and voted on by all the people on a state-wide basis. Sometimes a local amendment, needed badly by the locality it affected, was killed by the vote of the citizens of the state who knew nothing of its need. Since 1952, however, a constitutional amendment to Article XIII provides that local amendments be advertised and voted on only in the county or area affected.

If you examine the Constitution of Georgia you will not find any amendments attached to it as you will to the Constitution of the United States. All amendments of the Constitution of the United States are added to it and numbered in order of their ratification. Thus, every printed copy of the Constitution of the United States has the seven original articles or parts exactly as they were adopted, plus the twenty-two amendments that have been subsequently ratified and made the law of the land.

When the constitution of a state is amended, however, the amendment is not added to the end of the document but is placed within the body of the constitution itself. If the amendment contains new material, it becomes a new article, or section, or paragraph.

Article XIV. Merit System. In conformity to good governmental practice and in an effort to protect career employees of the state from political influence, Article XIV was added to the Constitution of 1945. It established a non-salaried State Personnel Board of three citizens to "administer a state merit system under which state personnel shall be selected on a basis of merit, fitness, and efficiency according to law." This article also authorized the General Assembly "to establish an actuarially sound retirement system for employees under a merit system."

For Article XV, *Home Rule*, and Article XVI, *Slum Clearance*, see the Constitution in the appendix.

ACTIVITIES AND QUESTIONS

1. Describe the United States Constitution.
2. What is the "Bill of Rights"? Why was it added to the Constitution?
3. Compare the general features of the Georgia Constitution with the general features of the United States Constitution.
4. What does the State Medical Education Board do? Could this board have been created without a provision in the Constitution directing its creation?
5. Grade the laws in relative importance from the United States Constitution down to local ordinances.
6. Point out the differences in methods used to adopt amendments applying to the entire state of Georgia and amendments applying to a single county in Georgia.

FOR FURTHER STUDY

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Georgia Official and Statistical Register 1957-1958. Atlanta: Compiled by Mrs. Mary Givens Bryan, Department of Archives and History in the Department of State, Ben W. Forston, Jr., Secretary of State.

MacDonald, Austin F., *State and Local Government in the United States*. New York: Thomas Y. Crowell, 1955.

Chapter VI

THE GENERAL ASSEMBLY—OUR LAWMAKING BODY

1. *The Governor and the General Assembly*

The Governor Can Affect Lawmaking. Some students say the Georgia governor is the most important legislator in the state because he prepares a legislative program before the legislature arrives in Atlanta for its brief term. In 1959 the General Assembly created a legislative council to aid the governor in preparing legislation. The governor is also director of the budget and head of the Democratic party organization. The rotation plan in the state Senate, which will be discussed in this chapter, almost certainly assures an inexperienced body every two years. This adds to the necessity for executive leadership in legislation. The large House of Representatives and the great turnover in membership also strengthen the legislative leadership of the governor.

In addition to all these things which provide the governor unique opportunities to direct the work of the legislature, he also exercises the right of veto over legislation with which he disagrees. Because of the short legislative term, many of the important laws are passed in the last few days of the session. In practice this gives the governor an absolute veto on legislation submitted within five days of the adjournment of a session, for after the General Assembly adjourns he has thirty days, not counting Sundays, in which to sign bills into law. In the 1958 session the governor signed 487 bills and 177 resolutions submitted to him.

The governor vetoed some general bills, one of which would have required the successful candidate for lieutenant governor to have received a majority of the unit votes rather than a plurality, in order to secure the Democratic party nomination in the primary. This was a signed veto. A



STONE MOUNTAIN MEMORIAL ASSOCIATION BEING SWORN IN
BY GOVERNOR MARVIN GRIFFIN

pocket-veto was used on a resolution calling for an investigation of the winter (1958) gas shortage for home and commercial use. The pocket-veto was exercised by allowing the thirty-day limit to expire without acting on the resolution. Important bills signed by the governor in 1958 were a mental health law, a bill authorizing state purchase of Stone Mountain to create a Confederate memorial, and another to discourage "marriage mills" in towns near Georgia borders. An important law creating five state juvenile detention homes was also signed. An interesting measure was passed and signed which removed the names of presidential candidates from the 1960 election ballot. Only the electors will be listed. Presumably this was done so that the Democratic electors would be definitely free to refuse to vote for the nominees of the national Democratic party if the state Democratic party thought this wise.

From this brief statement it can be seen that the governor is an important lawmaker as well as an executive.

2. *The General Assembly Has Two Houses*

Structure and Size. Georgia's legislature, or lawmaking body, like the Congress of the United States and most of the state legislatures, has two houses.

Often called the legislature (a term that would apply equally to any body empowered to make laws), Georgia's lawmaking body is constitutionally named the General Assembly, and its composition and powers are largely outlined in Article V of the Constitution of 1945, under the title "Legislative Department." Limitations on its powers are to be found in other parts of the Constitution, particularly in Article I, entitled "Bill of Rights."

In the study of our state's lawmaking body and how it makes our laws, Article V of the Constitution of Georgia should be carefully read. Any unfamiliar or confusing terms should be looked up in your dictionary. Keep in mind

STATE LEGISLATURES—SIZE, TERM, MEMBERSHIP

MEMBERSHIP—SENATE AND HOUSE COMBINED FOR SELECTED STATES

	Membership—Total both Houses
Georgia (average in population)	259
New York (largest in population)	206
California (second largest in population)	120
Average for 48 states (1958)	156

Four states have legislatures larger than Georgia. All are in New England.

LEGISLATIVE TERMS AND SESSIONS

State	Terms in Years		Sessions		Members
	Senate	House	Time	Limit in Days	Total
Georgia	2	2	Annual	40	259
Alabama	4	4	Biennial	36	141
Florida	4	2	Biennial	60	133
S. Carolina	4	2	Annual	None	170
N. Carolina	2	2	Biennial	90	170
Tennessee	2	2	Biennial	90	132

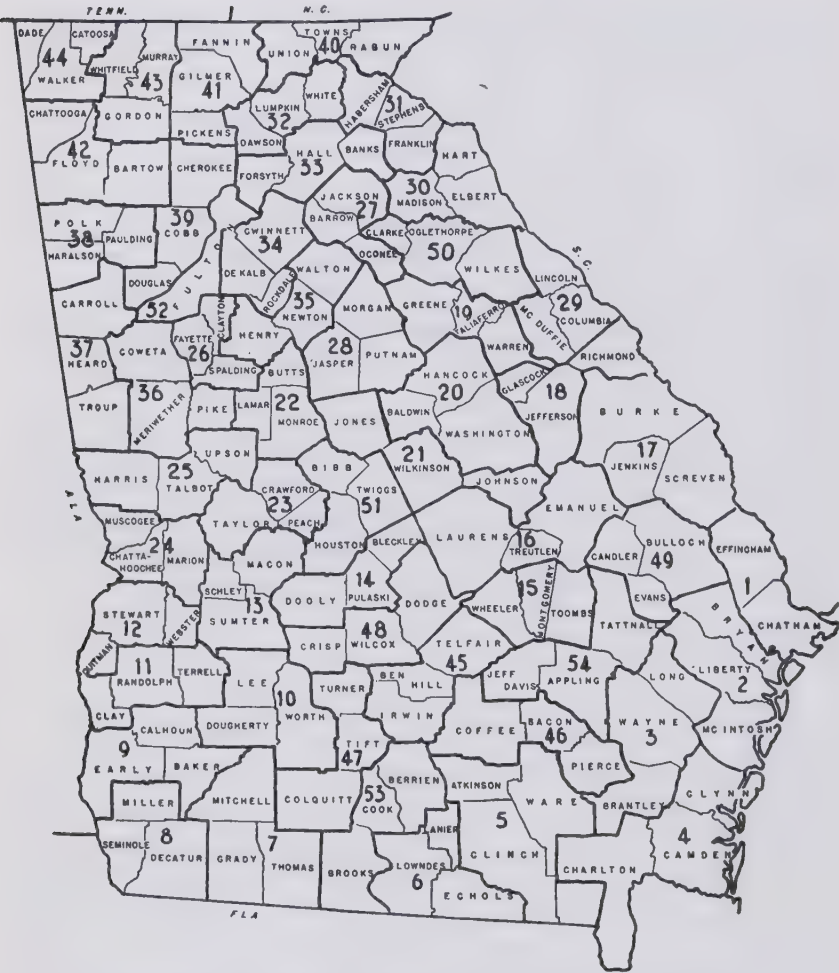
that many but not all the details of lawmaking will be found in the Constitution. The Constitution outlines the organization of the General Assembly and enumerates its limitations. Within these limitations each house of the General Assembly makes its own rules of organization and procedure, and it will be the purpose of this chapter to explain some of these rules and to illustrate how our laws are made.

Of all the states Alabama has the shortest regular session. Thirty-two states fix senatorial terms at four years. Forty-three states fix lower house terms at two years. The Nebraska one-house legislature (Senate, 43 members) is elected biennially.

The Two Houses. In legislatures of two houses, the smaller of the two houses usually has somewhat higher qualifications, has in many states a longer term of office, and is spoken of as the upper house. In Georgia the upper house is the Senate, a term used in most of the states.

3. *The Senate*

Composition of the Senate and Apportionment of Membership. The Constitution provides that the Senate shall not have more than fifty-four members and that they shall be elected from senatorial districts with one member from each district. The arrangement of the districts was left to the General Assembly, and, in 1949, by statutory law it arranged them as indicated below. The First Senatorial District, including within it Savannah, the second largest city in Georgia, is composed of two counties, Chatham and Effingham. The Fifty-second Senatorial District is composed of only Fulton County in which Atlanta, the capital of Georgia and its largest city, is located. All of the other fifty-two senatorial districts are composed uniformly of three adjoining counties. On page 80 is a map showing each senatorial district. You should keep in mind that Georgia has the second largest number of counties of any state in the United States. It has 159 counties. Only big Texas with 254 counties has more.



COUNTIES AND SENATORIAL DISTRICTS OF GEORGIA

NUMBER OF SENATORIAL DISTRICTS	NUMBER OF COUNTIES IN DISTRICT	COUNTIES
1	1	1
1	2	2
52	3	156
—		
54 Members		159 Counties

Qualifications, Term of Office, and Election of Senators.

In order to qualify for the Senate in Georgia one must be a citizen of the United States, twenty-five years of age, and must have been a citizen of the state four years and of the senatorial district one year before election. A senator serves a two-year term. Should he move from the district from which he was elected before the end of a term, the seat in the Senate is vacated. Nothing in the Constitution prevents a senator from succeeding himself, but, under a law passed in 1949, the senatorial seats rotate among the counties in the districts so that in fifty-one districts each county has the senator for only two years in six. For illustration, in the Fiftieth District Wilkes County elects a senator in 1958; Oglethorpe County, 1960; and Clarke County, 1962. Only in Fulton County (52nd District) may a senator succeed himself indefinitely, though in Chatham and Richmond counties he may serve for two consecutive terms. In the First Senatorial District Chatham County has the senator for four years and Effingham County for two years in every six-year period. Richmond County in the Fifth District has two consecutive terms, but there are three counties in the district. Senators are nominated in primaries in the counties in which they live, but are elected by the popular vote of all the counties in the district on the Tuesday following the first Monday in November of even years. The nominees usually have no opposition in the general election.

Officers of the Senate. President. Until the ratification of the Constitution of 1945, the Senate elected from among its own membership its presiding officer, called the president of the Senate. Today, however, the lieutenant governor of Georgia, who corresponds at state level to the Vice-President of the United States, is president of the Senate. Since he is not a member of the Senate and represents no senatorial district, he can vote only in case of a tie or "In all cases where a fixed constitutional vote is required to pass the bill or measure under consideration, and said bill or measure shall lack only one vote to pass the same. . . ." (Senate Rule 2). He may have, however, a great deal of

legislative power, as he presides over sessions, enforces rules of order, recognizes those senators who wish the floor, and, most important, appoints all committees. His power depends upon his political experience, personality, and relations with the governor. All presidents have had great influence in the Senate.

Other Officers. The Senate elects from its membership, however, a president pro tempore who serves in place of the president should the president die, resign, be impeached, become disabled, succeed to the governorship, or be absent from sessions. All other officers of the Senate are likewise elected by its membership. The next most important official of the Senate is the secretary of the Senate who maintains all the official records. The secretary selects his own assistants. The secretary is paid at a higher rate than are members, as his duties are technical and not legislative in



IMPORTANT GEORGIA LEADERS APPEARING BEFORE
THE ASSEMBLY

Reading from left to right, George Smith, Speaker of the House, Senator Herman Talmadge, Lieutenant-Governor Garland Byrd, Governor Vandiver, and Senator Richard B. Russell.



ROBERT JORDAN

In 1959 Robert Jordan was president pro tempore of the Senate.

character. Elected also are a chaplain, sergeant-at-arms, who helps the president keep order, postmaster, messenger, and pages. With the exception of the president pro tempore, none of the above officers and assistants are normally members of the Senate, as they are not required to perform legislative duties.

Special Powers. Each house is the sole judge of the qualifications of its own members. Each house can refuse to seat a person elected, and may expel a member by a two-thirds vote. In addition, the Senate acts as a court when impeachment proceedings have been brought against any official by the House of Representatives. It takes a two-thirds vote in the Senate to convict an official of impeachment charges brought against him by the House of Representatives. The House can impeach by a simple majority vote. Conviction on impeachment charges carries as its only penalty, removal from office. If the charges, however, are criminal in nature, the convicted official can still be tried in a criminal court. The Senate also has the responsibility of confirming or rejecting many of the important appointments of the governor; for example, members of the Board of Regents and Highway Board and the supervisor of



A PART OF THE STATE SENATE IN SESSION IN 1959

Only a part of the Senate is shown in this illustration.

purchases. Most of the appointments which the governor is entitled to make “by and with the consent of the Senate” will be mentioned in later chapters.

4. *The House of Representatives*

The lower house in Georgia, as in most of the states, is called the House of Representatives. Membership in this house is distributed so that each county has at least one member and no county has more than three. The eight counties with the largest populations have three each.¹ The next thirty largest counties have two each, and the remaining 121 counties have one each. The total membership of the House of Representatives is thus 205. The chart on page 85 will help you to remember these facts.

Qualifications, Term of Office, Elections. A representative must be twenty-one years of age, a citizen of the United States, must have been a citizen of Georgia for two

¹Fulton, Chatham, Dekalb, Muscogee, Bibb, Richmond, Floyd, and Cobb.

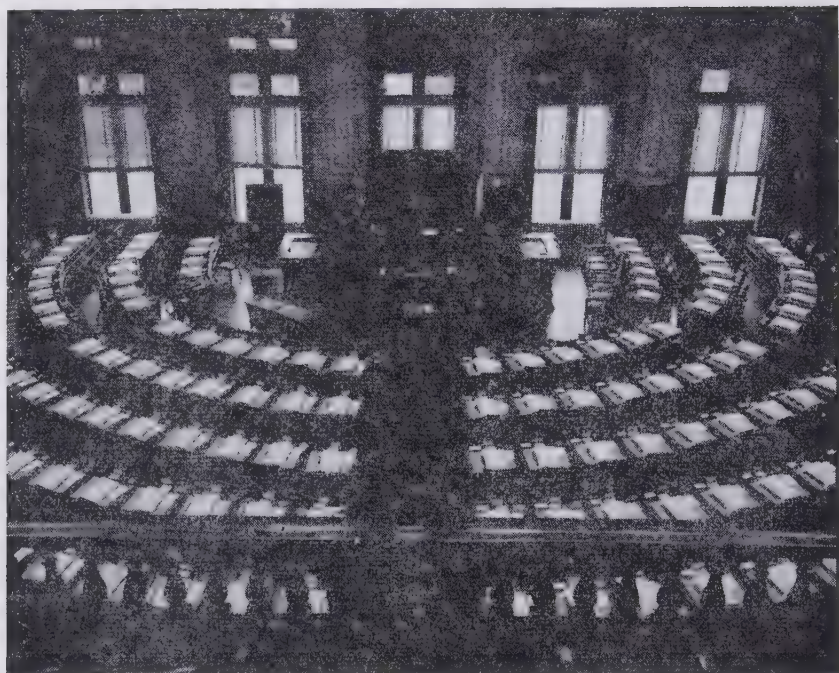
HOUSE OF REPRESENTATIVES

COUNTIES	NUMBER MEMBERS EACH	TOTAL MEMBERSHIP
8	3	24
30	2	60
121	1	121
159 Counties		205 Members

years, and must have been a citizen of the county he represents for at least one year before election. Should he move from the county from which he was elected, his seat would become vacant. As in the Senate, the term of office of a representative is two years; but, since he represents only one county and there is no rotation as in the senatorial districts, he may succeed himself. It is not unusual in Georgia for a good representative to be returned for four or five, or even more, consecutive terms.

Officers of the House of Representatives. The House of Representatives elects a presiding officer known as the speaker, and a speaker pro tempore. Although the Constitution is silent on this point, these officers are always elected from the membership of the House and thus, unlike the president of the Senate, the speaker has a right to vote on every question, and he does, at times, exercise this right. He presides at all meetings when he is present. The speaker pro tempore presides in the speaker's absence. The speaker appoints all committees. Another important constitutional official of the House, but not a member, is the clerk who corresponds to the secretary of the Senate and keeps all records. A chaplain, sergeant-at-arms, doorkeeper, messenger, postmaster, and pages are elected by the membership but are not members of the House.

Special Powers of the House of Representatives. The Constitution provides that all bills for the raising of revenue shall originate in the House of Representatives. This is a principle that came to us from the English practice, and it is also found in the Constitution of the United States. The



THE GEORGIA HOUSE OF REPRESENTATIVES MEETING PLACE

House of Representatives also has the sole power of impeachment or bringing charges against officials.

5. *Sessions of the General Assembly*

Georgia has changed its legislative sessions several times since the adoption of the Constitution of 1877. Until 1933, the General Assembly met in July of odd years and remained in session for sixty days. By a constitutional amendment in 1933, the session was lengthened to seventy days with a provision that an organization session of ten days could begin in January with the regular sixty-day legislative session to assemble not later than July. This would have been what is known as a split session. It was never utilized as it was permissive for the entire seventy-day session to be continuous, and it became so in every session until 1945. The Constitution of 1945 provided that the General Assembly should assemble on the second Monday in January of odd

years for as many days up to seventy as its members could agree upon, and again at a later date for the days remaining under the seventy-day limitation. Should the two houses not agree otherwise, the second session would convene in January of even years for the remainder of the days not used the year before. To illustrate: Under this plan the General Assembly met during the 1951-1952 biennium forty days in 1951 and thirty days in 1952; in the 1953-1954 biennium it met forty-five days beginning in January of 1953 and twenty-five days in November of the same year. This agreement in 1953 was reached as a compromise because some members felt there should not be a legislative session in 1954, as this was the year for the election of a new governor.

It is generally agreed that in a two-year period sixty or even seventy days are too few for most effective legislation. In 1954 an amendment to the Constitution provided for annual sessions of forty days, each session beginning the second Monday in January. This first annual session was held in 1956. The date may be changed by law without amending the Constitution.

What Our Legislators Are Paid. Since in Georgia the terms of office and the pay of members of both houses are the same, it is possible to discuss them together. The Constitution says: "The per diem of members of the General Assembly shall be \$10.00 per day plus the additional sum of \$5.00 per day for maintenance expense; and the mileage shall not exceed 10 cents for each mile traveled by the nearest practical route in going to and returning from the capital; but the President Pro Tempore of the Senate, when serving as presiding officer thereof, and the Speaker of the House of Representatives shall each receive \$15.00 per day. . . ." Though the Constitution provides that salaries stated in it may not be changed during the term of any official "then in commission," the General Assembly raised their maintenance expenses to \$10.00 a day in 1951, to \$20.00 in 1953, and to \$30.00 a day for the year 1958. Four round trips home were paid for by the state during the 1958 session. The interpretation

GEORGE L. SMITH II

In 1959 George L. Smith II was speaker of the House of Representatives.



of the Constitution was that these maintenance expenses are not salaries but are to take care of the increased living costs in Atlanta and may be changed during the term of office of those involved. In 1958-59 legislators received \$40.00 per day for each legislative session. For a forty-day session during 1959 each received \$1,600 a year. This is not excessive pay and is far below the maximum of \$5,000 per year in Illinois and New York, but is above the average pay for legislators throughout the United States.

Privileges of Members. "The members of both houses shall be free from arrest during their attendance on the General Assembly, and in going thereto, or returning therefrom, except for treason, felony, larceny, or breach of the peace; and no person shall be liable to answer in any other place for anything spoken in debate in either House" (Article III, Section VII, Paragraph III, of the Constitution of 1945). This relieves the member of accepting court subpoenas which might be used to annoy or delay, but he is answerable at any other time and can be arrested for a breach of the peace.

6. Organization and Powers of the General Assembly

Sessions. Any regular session may be adjourned to a later date by a majority vote of the members of each house, but

the General Assembly may not remain in regular session more than forty days in any calendar year. Since the new forty-day session began, only one attempt (1958) has been made to secure an adjourned session, and this attempt failed. Should a regular session be adjourned to a later date in the same year, any business pending at adjournment may be considered in the adjourned session. However, no legislation can be carried over from one annual session to another, but must be introduced again before action can be taken. Each session takes care of its own business.

Under no conditions can the House of Representatives remain in regular session longer than its constitutional limit; but if an impeachment trial is under way or pending at the end of any regular or extraordinary session, the Senate may continue in session until such trial is complete.

The governor may call the General Assembly into extraordinary or special session at any time he thinks conditions



LEGISLATORS GO TO SCHOOL

Two hundred thirty members of the state legislature attend a December, 1958, "Institute for Legislators" at their own expense to better prepare themselves for the January, 1959, session.



CARL SANDERS

In 1959, Carl Sanders was floor leader in the Senate.

justify such action. Such a session was called by Governor Richard Russell in 1931, to accomplish an administrative reorganization of the state. The governor must also issue the call for such a session upon the demand in the form of a written certificate of three fifths of the elected members of each house. Legislation in an extraordinary session is limited to those purposes stated in the call for the session. A 1936 special session had as one of its objectives the writing of tax legislation.

Regular Sessions. Members of the General Assembly are elected on the Tuesday after the first Monday in November of even years, and assemble for the opening session of their terms on the second Monday in January of odd years. During the two-month interval between election and assembly, much political activity takes place among the members in the interest of their candidates for speaker of the House and president pro tempore of the Senate. Before January arrives it is generally known who these officers will be, and the president-elect of the Senate and the expectant speaker of the House have been busy selecting committees and planning their organization and legislative program. The governor or the governor-elect is consulted by these officials and plays an important part in the legislative planning.

At ten o'clock in the morning on the second Monday in January in odd years the first session opens. In the Senate the lieutenant governor, in his capacity as president of the Senate, presides and calls the Senate to order. In the House of Representatives the clerk of the preceding term calls the House to order and presides until a new speaker has been elected. ~~The first session, as are all others,~~ is formally opened with a prayer by the chaplain. The secretary of the preceding Senate and the clerk of the preceding House then read the names of all members certified by the secretary of state as having been duly elected. Also, they read notices of contests for seats, if there are any. The oath of office is then administered to all uncontested members after which each house elects its officers.

Adoption of Rules. Adoption of the rules of each house is normally the next order of business. Ordinarily this is done by a simple motion to adopt the rules of the last session, for these rules have been tried and used for many sessions and seldom change. Each legislator is given a printed copy of the rules compiled by the office of the secretary of state. Recently the rules have been printed in three slightly different forms. Two are small, convenient, paper-bound books titled *Handbook of the General Assembly of the State of Georgia*, or, simply, *Rules of the General Assembly of the State of Georgia*. A slightly more elaborate form in cloth or leather binding is called *The Legislative Manual of the State of Georgia*. These publications are distributed by the secretary of the state of Georgia. Many of the rules of both houses are to be found in the Constitution itself, but many others, of course, are made by the houses themselves and are quite elaborate. In the main, these rules are based on the rules for the Congress of the United States. The *Handbook of the General Assembly for 1955-1956* lists a total of 168 rules for the Senate in regular session, of which twenty-eight are taken from the Constitution. Rule 140 reads: "When any question arises which is not provided for in the foregoing rules, the same shall be controlled by the rules usually governing parliamentary bodies." In addition there are eight

standing rules "For the Government of the Senate in Executive Session" and seventeen rules "For the Government of the General Assembly When Assembled in Joint Session." The House of Representatives, nearly four times as large as the Senate, has 199 standing rules, of which thirty-eight are constitutional and 161 adopted by the House itself. The presiding officers interpret the rules subject only to having their interpretations overridden by the membership itself by a majority vote.

Election of the Governor. Among the duties of the General Assembly in joint session is to canvass the election returns for governor. Since the term of office of the governor is four years and that of members of the General Assembly only two years, not every General Assembly has this duty. The first election of a governor for a four-year term under the present Constitution was held in November, 1946. Subsequent elections were held in 1950, 1954, and 1958, and will continue at four-year intervals.² On the first day of the session following a gubernatorial election, as soon as each house has been organized and the other house has been so informed, the two houses assemble in the hall of the House of Representatives with the president of the Senate presiding and the speaker of the House sitting on his left. The certified votes of all counties, which had previously been sent by the election managers to the secretary of state, are then opened in the presence of both houses, are counted by a committee appointed for this purpose, and the governor is declared duly elected. In the event no person has a majority of votes, the Constitution provides that "from the two persons having the highest number of votes, who shall be in life, and shall not decline an election at the time appointed for the General Assembly to elect, the General Assembly shall immediately, elect a governor viva voce (by voice); and in all cases of election of a Governor by the General Assembly, a majority of the members present shall be necessary to a choice." (Art. V, Sec. I, Par. IV.)

²The election of a President of the United States is also held in November of even years, but does not coincide with that of the governor of Georgia. Presidential election years were 1948, 1952, and 1956.



Governor Vandiver is shown taking the oath of office from the chief justice of the Supreme Court. This event is part of the preliminary organization of the General Assembly.

Inauguration of the Governor. The preliminaries of organization and election having been completed, the General Assembly appoints a joint committee of the governor's friends to wait on him and inform him that it is organized and in session. Usually at noon of the second day a new governor takes the oath of office from the chief justice of the Supreme Court in joint session of the two houses and delivers his inaugural address. In recent years so many friends of the new governor have wished to be present at the inaugural that it has been necessary to build large platforms at one of the capitol entrances and hold the ceremony out-of-doors. It is, of course, broadcast by radio and television. If no new governor has been elected, the governor in office usually addresses the joint session on his legislative program at noon on the second day. In either event, the governor's address

completes the preliminaries, and after a few more days of perfecting its organization the General Assembly, by the beginning of the second week, is ready for legislative business.

7. *The General Assembly at Work*

Order of Business. Both the Senate and the House of Representatives have twenty items in their rules on Order of Business. They differ somewhat in wording but are much the same. Some of these items are either very technical or are seldom used, such as item 11 in the Order of Business of the Senate, "Messages from the governor." It is, therefore, possible to consolidate them and discuss them together in order to learn how laws are actually passed.

1. Scripture Reading and Prayer by the Chaplain. The opening order of business in each house for each daily session is the Scripture reading and prayer by the chaplain.

2. Call of the Roll. Calling the roll may be dispensed with when it is evident that a quorum (majority) is present and when no member raises a question as to the presence of a quorum. To call the roll at every session would be unnecessarily time-consuming, especially in the 205-member House of Representatives. The speaker usually calls the House to order, looks over the hall, and declares a quorum present. Unless questioned, his ruling stands.

3. Report of Committee on Journals. Each house is required by the Constitution to keep a Journal of its daily proceedings. The next day the Journal must be printed, distributed, and approved. As each house has a committee on Journals which examines them and reports as to their accuracy, the Journals are usually approved by a majority vote without being read on the floor. This device saves time.

4. Unanimous Consent and Motions to Reconsider. During these two periods any member may request unanimous consent to discuss a bill out of its regular order or to reconsider a matter already acted upon. Notice of a motion to reconsider, however, must be given before the Journal is approved.

5. Introduction of New Bills. As the passage of laws is the main function of a legislature, the introduction of new bills is, of course, an important item in the Order of Business. A "bill" is a proposed law and remains a bill until passed by both houses and signed by the governor. It then becomes an "Act of the General Assembly" and a statutory law. A bill, when introduced, bears a caption or title indicating its subject matter as follows: "A bill to be entitled: An Act to Establish a New Department, etc., etc." To introduce a bill, a member simply hands it to the clerk, or secretary, or one of his assistants. Prior to introduction a bill may be prepared by a member with or without the aid of other members interested in the same problem, project, or state law. It must be typed in duplicate and in the House of Representatives must be presented to the clerk in time to have it typed and on the desk of each member before actual introduction. It is given a number, such as H R 29, or S (Senate) 12. It also must show the name of the member introducing it and the county or district represented by him. After introduction, the bill is read by title only, the first of the three readings required of all bills before passage, and is referred by the presiding officer to a standing committee for its study and consideration. The three readings were originally used in the British Parliament because many members of the Lords and Commons could not read. The three readings were to assure understanding.

6. Report of Standing Committees. In the 1955 session of the General Assembly there were sixty-three standing committees in the House and thirty-eight in the Senate. The number in 1958 was twenty-four and sixteen, respectively. The number on each committee varies from five to thirty-five in the lower house and from five to fifteen in the Senate. When the Order of Business calls for Standing Committee reports, any committee may report on any matter previously referred to it. All bills are supposed to be reported back to the house of origin with one of the three following recommendations: "That it do pass"; "That it do pass as

amended"; or "That it do not pass." If a bill is reported favorably, it is automatically passed to a second reading and is ready for debate and passage. If the committee reports "That it do not pass" and its report is agreed to by a majority of the members, the bill is usually dead for the session, though it may be re-committed on request of a member to the same or another committee.

7. Third Reading and Passage of Uncontested Local Bills and Resolutions. Most local bills, if supported by the members from the localities affected, are uncontested and are generally passed unanimously as a matter of routine.

8. First Reading and Reference to Committees of Bills and Resolutions of the Other House. Bills introduced and passed in either house must be read three times in the other house before final passage. When a Senate bill arrives in the House of Representatives, it is referred to a committee just as though it had been originally introduced. In the Senate, House of Representatives bills are similarly committed.

9. Consideration of Amendments to Bills by the Other House. If a bill of one house is amended in the other house, it must be returned to the house of its origin for its agreement to the amendments. If agreement is not reached, it is referred to a conference committee composed of equal members from each house in an effort to agree to compromises. Such a committee was appointed in 1958 to iron out differences over changes in voting requirements.

10. Third Reading of Bills. The third reading of bills is the time when all bills of general operation that have been reported favorably out of committee and read a second time are called up. This is, of course, the most important phase of legislation as the bill may be debated for hours, or even days, if it is of major importance. The chances are, however, that it will pass if it reaches this stage, since it has already been reported favorably by a committee.

While the legislative process may seem complicated and time consuming to us, we must remember that it has developed over a long period of time. An example of a bill introduced in the General Assembly is on the next page.

EMPLOYMENT OF PERSONS UNDER EIGHTEEN
YEARS OF AGE ON PREMISES WHERE ALCOHOLIC
BEVERAGES ARE SOLD PROHIBITED.

No. 442 (House Bill No. 54).

An Act to make it unlawful for any person to employ in any capacity whatsoever a person under eighteen years of age in any place where liquor, beer, wine or alcoholic beverages of any kind are sold or offered for sale; to provide a penalty; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

Section 1. It shall be unlawful for any person to employ in any capacity whatsoever a person under eighteen years of age in any place where liquor, beer, wine, or alcoholic beverages of any kind are sold or offered for sale. Provided nothing herein shall apply to the sale of beer in places where beer is not consumed on the premises.

Crimes.

Section 2. Any person violating the provisions of section 1 of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as for a misdemeanor.

Section 3. All laws and parts of laws in conflict with this Act are hereby repealed.

Approved March 25, 1958.

8. *A Summary of Steps in the Passage of an Act of the General Assembly*

1. A bill is introduced in either house by a member simply by handing it to the clerk or secretary. Upon it appears the name of the member, or members, sponsoring it. It is numbered, read for the first time, by title only, and referred to a committee by the presiding officer. No debate is allowed on first reading.

2. After the committee has taken action, it is reported out to the house of its origin and read a second time by title only without debate.

3. It is read for the third time, debated and passed. Even local bills must be actually read "full and complete" in the lower house. The Senate requires printing and distribution the day before passage; the House of Representatives, as soon as possible.

4. It is then signed by the speaker and clerk of the House, or, if a Senate bill, by the president and secretary, and sent to the other house.

5. If passed in the second house by a similar process, it is signed by the officers of the second house and sent to the governor. When signed by the governor, it becomes law and the original is sent to the secretary of state who is the official custodian of all laws. The secretary of state has all acts of the General Assembly published after every session under the title *Georgia Laws* in which form they become available to the public.

9. *Number and Size of Committees in the General Assembly*

Because legislative bodies are so large, and Georgia's is one of the largest, and the number of laws passed so great, committees are of the utmost importance. In fact, the committee to which a bill is referred often determines whether it will pass or not. Our legislative process, throughout the United States, has been referred to as committee legislation. For these reasons the committee system is one of our legislative problems. Committee work is unevenly distributed. Some

of the committees in both houses had no bills referred to them during the 1953-1954 sessions, while one House committee handled 325 bills and one Senate committee 359. Each senator served, as an average, on nine committees, and a member of the House on eleven. But since the reorganization of Senate and House committees the committee work can be expected to increase the effectiveness of the legislature. Work is being formalized and committee meetings can be scheduled in a more orderly manner. A member of the legislature now serves on three committees, usually, and never more than four. There are sixteen committees in the Senate and twenty-four in the House of Representatives. In 1959 the House of Representatives announced committee meetings for 9 A.M. each morning.

10. Differences between the General Assembly and Congress

In general, legislative procedure in the General Assembly is similar to that in the Congress of the United States. A few differences, however, should be noted. First, in Congress committees are selected by "committees on committees," in Georgia, by the presiding officers of each house. Second, in Congress a bill may be passed by a majority of a quorum. In Georgia it takes a majority of those members elected to each house. It thus takes 103 votes in the House, and 28 in the Senate to pass a bill through the General Assembly. Third, in Congress the majority of the thousands of bills introduced during a session die in committee and are never reported back to the floors of Congress. To kill a bill in committee is called "pigeonholing" it. In Georgia most of the bills referred to committees are reported back to the floor, even though the report be unfavorable. And, fourth, in Congress the Senate is a continuous body and its members hold office for six years. In Georgia, senators as well as representatives, are elected for two years.

ACTIVITIES AND QUESTIONS

1. List the practices and powers associated with the governor's office which makes him a legislative leader. What is a pocket-veto?

2. What states touching Georgia have senatorial terms that are longer than the term of the Georgia Senate?
3. What states touching Georgia have terms of Houses of Representatives longer than the term of the Georgia House of Representatives?
4. Name the counties in your state senatorial district. What is the population of each county?
5. Explain the rotation system of the Georgia Senate. Would the Constitution have to be changed to permit a senator to succeed himself in three-county districts?
6. What are the qualifications of a Georgia senator? A Georgia representative?
7. List the duties of officers of the Georgia Senate and the Georgia House of Representatives.
8. What are legislators in the General Assembly paid?
9. When can a Senate session continue longer than 40 days?
10. How can extra sessions of the General Assembly be called? How are regular sessions opened?
11. List five rules of the Senate and five of the House found in the Georgia Constitution.
12. Trace a bill through the General Assembly.
13. Contrast legislative procedures in the General Assembly with those in the Congress of the United States.

FOR FURTHER STUDY

- "Alaska Has No Counties," *Georgia Local Government Journal*, February, 1959. Athens: Georgia Municipal Association. The article briefly discusses the model state government of Alaska.
- "The Handbook of the General Assembly 1959-1960," Secretary of State of the State of Georgia.
- Pound and Saye, *Handbook on the Constitutions of the U. S. and Georgia*.
- Fordham, Jefferson B., "Challenge: Legislatures," *National Municipal Review*, December, 1958. Published by the National Municipal League.
- McGee, Vernon A., "The Vitality of State Legislatures," *State Government*, January, 1958.
- Zeller, Belle, (ed.), *American State Legislatures*. New York: Thomas Crowell Co., 1954.
- Georgia Official and Statistical Register* 1957-1958.

Chapter VII

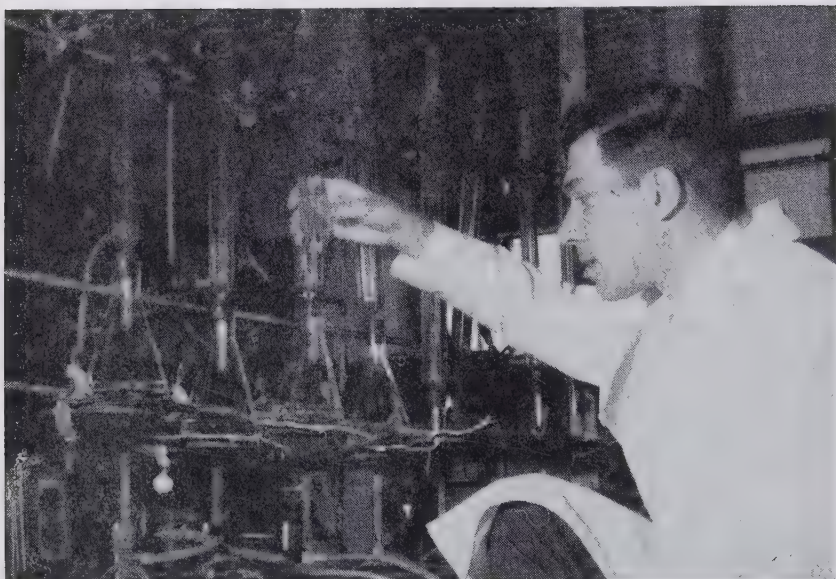
THE EXECUTIVE DEPARTMENT

1. *The Organization of the Executive Department*

Introduction. Chapter VII deals with the executive department and administrative departments, boards and commissions, or the administrative organization of the state. The state of Georgia employs about 25,000 people and local governments employ some 75,000 people. The executives and the administrators, who direct the work of the 25,000 people, are the ones to whom we give our attention at this time. One of the officers, the superintendent of education, however, will be discussed in Chapter XIII.

Politics is interesting, but more important, it is a vital concern of all Georgia citizens. All too often politics is considered something to avoid. "The more I hear of politics, the better I like it less," would sum up the reaction of many people. The "bureaucracy" (government workers) is supposed to be overwhelming the citizen with all kinds of regulations and restrictions. The truth is that the trend is toward bigness in business, labor, farming; almost everything, in fact. General Motors employs 624,000 people and workers and unions are becoming bigger. Big farms are absorbing small farms. The number of government employees also has expanded as the nation has grown and industrialized.

No signs are evident that government activity will be lessened. In the space age government can no longer be unconcerned about vexing problems of the community. But that does not mean that all government growth is good or sound. Unless the citizen concerns himself with this growth, serious damage to community values could result; for example, the freedom of the individual could be lost. On the other hand, good government can be made to serve the finer values of the community. Concern about good government as well as big government is important.



CHEMIST CHECKS FERTILIZER SAMPLES IN DEPARTMENT
OF AGRICULTURE LABORATORY

The Georgia merit system provides well-trained employees to serve its citizens.

Although Georgia's merit system does not cover all of the 25,000 people who work for the state, it does include many well-trained people. Political appointees without professional training are a serious threat to honest and efficient government, and wherever the spoils system continues, bad government is likely to continue.

In 1958 state and local governments in the United States employed 4.8 million full-time persons. This amounts to 281 persons for each 10,000 population. West Virginia employs the fewest, 227 per 10,000 people in the state; Wyoming the most, or 368 for each 10,000 Wyoming inhabitants. Georgia employs 272 for each 10,000 people, based upon 1957 figures.

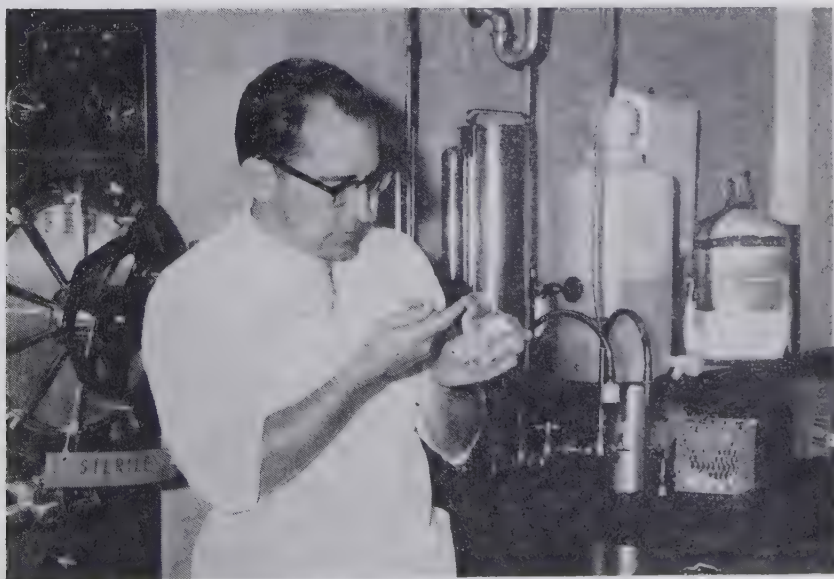
More than two thirds of the employed persons are in education, highway, hospital, and police departments.

Salaries. The salaries of statehouse officers in Georgia are computed by adding to the base pay the amount received for years of service and the special pay for work on

state boards and commissions. One illustration will explain the method used. The governor's salary ending June 30, 1957, was computed in this manner:

Regular Salary	\$12,000
For fifteen years of public service as of May 1, 1957, at \$800 per year for each four years of prior service	\$ 2,400
As a member of various boards, commissions, and other public agencies at \$240 per year for each agency	\$ 5,739.28
	\$20,139.28 Total

The salary for the governor of Alabama, beginning in 1958, will be \$25,000 a year. Some people feel that Georgia's governors should be paid a straight salary of \$20,000 or \$25,000 a year without extra pay for service on state boards. This same observation about service on boards could be



GEORGIA EMPLOYEE DOES RESEARCH IN BROILER PRODUCTION

The state has constructed a \$300,000 Poultry Research Center. Georgia leads the nation in broiler production.

made concerning all statehouse officers in Georgia as all are paid extra for service on boards.

Working for state and local government in Georgia are 102,780 full-time equivalent employees, including over 30,000 school teachers. The medium yearly salary for state and local government employees for the nation as a whole in April, 1957, was \$3,792; for the 102,780 Georgia workers, \$2,935. Only five states in the United States paid their government workers less than Georgia state and local governments.

Eighty-five per cent of the full-time employees engaged in state and local government work in Georgia are now on some retirement plan. This compares with 94 per cent of the state and local workers in the forty-eight states (1958).

In the Jacksonian era the opposition to adequate salaries for public officials was general. A simple frontier society needed a government with few functions and few officials, and many of the public jobs were part-time. Low salaries or small fees were supposed to keep public officials "poor and honest." Public jobs were made unattractive to assure a frequent turnover of office holders. In an industrialized economy we have learned that inexperience in most offices is too costly and too dangerous.

Campaign Costs. Not only are public jobs difficult and complicated, requiring administrative ability and technical competence, but the most important policy-determining jobs, like the offices of governor and United States senator require expensive campaigns. Television and radio time, newspaper advertising and posters must be purchased. Thousands of letters must be mailed. Campaign headquarters in expensive hotels, salaries of workers, travel for candidates and their aids, and cars to get voters to the polls—all cost large sums. Candidates in an election year must be very generous to charities and "causes." Public relations specialists and numerous technicians play a part in the big campaigns. Unfortunately, most of this money comes from large givers who expect to gain directly or indirectly, from a successful campaign.

ERNEST VANDIVER

Governor Vandiver, who was elected in 1958, by his veto power serves as a check on the General Assembly.



Most of the candidates would prefer to finance their campaigns from small donations with no strings attached to the gifts, but this, at present, is difficult, as a good campaign for a top job may cost as much as \$200,000.¹

The Separation of Powers. The organization of governments of the United States and the individual states are similar in many respects. Each has a legislative department which makes its laws, an executive department which enforces the laws and manages the business of the government, and a judicial department which interprets the laws, punishes those who violate them, and settles civil disputes among its citizens. The head of the executive department of the United States Government is the President of the United States. The head of the executive department in each of the fifty states is called the governor. When he enters office he must take an oath or affirmation to uphold and enforce faithfully the constitution and laws of the United States and the constitution and laws of his own state.

One of the fundamental principles of both our national government and the governments of the states is the principle of separation of powers. This means that no person

¹See article by William M. Bates, political reporter, in *The Atlanta Journal and Constitution*, Sunday, April 6, 1958. Also see the report by Mr. Bates, "Political Notebook: \$250,000.00. Not Rare for Campaign Cost," *The Atlanta Constitution*, April 9, 1958.

can at the same time hold office in more than one of the three departments into which our governments are organized. In other words, neither a judge nor an executive officer or employee, such as the secretary of state, city court judge, or highway engineer, may be a member of a legislative body. Members of the Georgia legislature have frequently held state administrative posts. The 1959-1960 General Assembly may make this practice illegal. Another principle of American government, closely related to the separation of powers, is the principle of "checks and balances." This means that a law passed in violation of the Constitution² by a legislative body, or an illegal act of the governor or any other executive official can be nullified by the courts. The legislature can check the courts or the executive by its power of impeachment. A judge, or even a governor, who has been convicted by the legislature on impeachment charges of illegal conduct, can be removed from office. The governor can check the legislature by vetoing a law, and a court, by refusing to carry out a judgment.³ We thus have what is known as a balanced government in which no department is independent or supreme. Checks and balances were designed to protect the people from the arbitrary assumption of power on the part of any of the three major divisions of our government.

Article II of the Constitution of the United States says "The Executive power shall be vested in a President of the United States of America." With the exception of the Vice-President, whose only constitutional functions are to preside over the Senate and to succeed the President in case of disability, removal, or death, no other executive official is provided for. Heads of executive departments in our

²Numerous bills passed as general laws with a local application have been declared unconstitutional. Such bills usually read: ". . . all counties having a population of not more than 5,500 nor less than 5,000 . . ." can have a county board of education appointed by the superior court judge.

³Governor Marvin Griffin vetoed a legislative act March 24, 1958, which would have given the city of Atlanta the power to issue special-use zoning permits. The idea was to allow the construction of a shopping center in what was formerly considered a residential section, and the bill was intended to correct a previous bill declared unconstitutional, and to restore the city special-use permit authority. The 1957 dispute arose over a shopping center. The governor, on the same day, vetoed bills affecting Cherokee County which would have permitted the people of the county to hold a referendum on abolishing the fee system for three county offices. The *Atlanta Constitution* of March 25, 1958, and March 27, 1958, mentions these vetoes.

national government have been created by Congress, and their appointment is vested by statutory law in the President with the advice and consent of the Senate. Administrative boards likewise have been created by Congress.

Article V of the Constitution of Georgia vests the executive power in a governor elected for a four-year term. A lieutenant governor, who corresponds at a state level to the Vice-President, is also provided for. In addition, under the heading "Other Executive Officers," this article provides that "The Secretary of State, Attorney General, State School Superintendent, Comptroller General, Treasurer, Commissioner of Agriculture, and Commissioner of Labor shall be elected by the persons qualified to vote for members of the General Assembly at the same time, and in the same manner as the Governor." In other articles of the Constitution of Georgia a number of constitutional administrative officials and boards are provided for.

The system of appointing executive officers as is done at the national level is known as the short ballot system. The theory behind it is that efficiency, as well as democracy, is best served by electing only the executive head of the government and permitting him to select those who will work with him. Under this system the President of the United States may be held personally responsible for the entire executive branch of the government. Naturally, if he is to be responsible for his subordinates, he also has the power to remove them. Georgia and some other states use the long ballot in electing many state officials. The long ballot is common at the local level of government. The theory behind the long ballot is that government is more democratic if numerous officials are chosen by and are responsible to the voters. Under this system, however, responsibility is divided, and difficult to fix. The governor is head of the government but does not select the most important officials of the government. The long ballot system stems from distrust of all government officials and the feeling that the governor's powers should be subordinated to the powers of



DEED RECORDS OF WILKES COUNTY BEING RESTORED

The Department of Archives and History under the supervision of the secretary of state is engaged in restoring valuable records of Georgia's counties.

the people. The system developed along with the spoils system in the Jacksonian era. It has been challenged on three counts. First, it divides authority at the expense of efficiency. Second, certain executive officials, such as the attorney general, should be selected because of their professional qualifications. Election to technical jobs may depend upon popularity rather than upon professional competence. Third, it adds unnecessarily to the burden of the "overburdened voter." When the average voter is called upon to vote for numerous officials, the qualifications of most of whom he cannot possibly know, he is voting in the dark and his vote is not meaningful. Careful students of our state government believe that most officials and employees should be selected under a civil service merit system requiring high professional standards. They should be neither appointed nor elected.

2. The Governor of Georgia

Qualifications and Term of Office. To qualify for the office of governor of the state of Georgia, a person must have been a citizen of the United States for fifteen years and a citizen of the state for six years, and he must be not less than thirty years of age. The term of office of the governor is four years and he is not eligible to a second consecutive term. After having served as governor, however, one is not prevented from running again after an interval of at least four years. A governor who has served less than a full term is eligible for re-election to a full four-year term. Thus, Governor Herman E. Talmadge served two years of the unexpired term to which his father was elected and another consecutive four-year term.

The governor receives a home (the governor's mansion) rent-free, official transportation by state-owned car or by military (National Guard) aircraft, an expense account and a subsistence allowance of \$1,000 a month to take care of extra expense of maintaining the mansion. The salaries of statehouse officers are discussed at the first of this chapter.

Lieutenant Governor; Succession to Executive Power. (Art. V. Sec. 1, Par. VII) "In case of the death, resignation, or disability of the Governor, the Lieutenant Governor shall exercise the executive power and receive the compensation of the Governor until the next general election for members of the General Assembly, at which time a successor to the Governor shall be elected for the unexpired term; but if such death, resignation, or disability shall occur within thirty days of the next general election, or if the term will expire within ninety days after the next general election, the Lieutenant Governor shall exercise the executive power and receive the compensation for the unexpired term." Reduced to simple language this means that if a governor is disqualified for any of the above-mentioned reasons during the first year of his term or in the second year not later than thirty days before the Tuesday after the first Monday in November of even years, the election day in Georgia, an election



GARLAND T. BYRD

Lieutenant-Governor Garland Byrd was chosen in the 1958 election.

will then be held to fill the unexpired term. If a lieutenant governor who is acting as governor for a portion of an unexpired term under the above conditions wishes to run for the remainder of the unexpired term, he must resign as lieutenant governor effective the day his successor is qualified, and other candidates can then run for lieutenant governor for the unexpired term. To simplify further: if Governor "A" should be elected in the regular general election held in November, 1958, and should take office in January, 1959, but should become disqualified not later than thirty days before the November general election in 1960, Lieutenant-Governor "B" elected with him would serve until after the 1960 election. Under these conditions Lieutenant-Governor "B" would be eligible to run for governor in the general election in 1960 but would have to resign as lieutenant governor effective upon the qualification of a governor. Either he or his opponent, and another lieutenant governor would be voted on in the election. In the event of the disqualification of both the governor and lieutenant governor, the speaker of the House of Representatives would temporarily exercise the executive power. In this event a special election to fill the unexpired term would have to be called within sixty days.

The most spectacular fight over the succession provisions of the Constitution occurred in 1947. In the election of November, 1946, Eugene Talmadge was elected governor to take office in January. At the same election Melvin Thompson was elected to the newly created office of lieutenant governor. Mr. Talmadge died before his inauguration date. A dispute then arose over the succession. Mr. Herman Talmadge, Mr. James Carmichael, and Mr. D. T. Bowers had all received write-in votes for governor. At the time of Mr. Eugene Talmadge's death there was no lieutenant governor in this newly created office, but Mr. Thompson was the lieutenant governor-elect. The legislature claimed it had the constitutional right to name the governor from the two highest write-in candidates under a provision of the Constitution which said "... if no person shall have a majority, then from the two persons having the highest number of votes, who shall be in life, and shall not decline an election at the time appointed for the General Assembly to elect, the General Assembly shall immediately elect a governor viva voce..." Mr. Carmichael withdrew, Mr. Talmadge was elected by the General Assembly, but Mr. Thompson claimed he was



MELVIN E. THOMPSON



HERMAN TALMADGE

These two men took part in the fight over the office of governor in 1947.

governor under the constitutional provisions which read: "In case of the death, resignation, or disability of the Governor, the Lieutenant Governor shall exercise the executive power. . . until the next general election. . . ." Governor Ellis Arnall announced he would not resign on the date for the new term to begin as his legal successor had not been sworn. So for a time apparently there were three claimants to the office. Mr. Talmadge took physical possession of the governor's office and changed the locks; Mr. Arnall temporarily set up a desk in the rotunda of the capitol; and Mr. Thompson occupied an office adjoining the Senate Chamber.

When Mr. Thompson was sworn in as lieutenant governor on January 18, 1947, Mr. Arnall resigned as governor, leaving two claimants. On March 19, 1947, the Supreme Court of Georgia ruled that Ellis Arnall had been governor until the time of his resignation under the constitutional provision that the governor ". . . shall hold his office during the term of four years, and until his successor shall be chosen and qualified," and that the lieutenant governor, Mr. Thompson, then became acting governor. Mr. Talmadge relinquished the office and Mr. Thompson became acting governor. Mr. Talmadge defeated Mr. Thompson in the Democratic primary in 1948.

Powers and Duties of the Governor. The governor of Georgia has powers that are similar to those exercised by the governors of other states but are, comparatively speaking, not as extensive as those exercised by the President of the United States. For instance, his powers of appointment are important, but do not extend to those state officials who are comparable to the members of the President's Cabinet at the national level, such as the Georgia secretary of state, the Georgia superintendent of schools, or the Georgia state treasurer. These important executive officials are elected by the people of Georgia. Most of the appointments the governor is empowered to make are made subject to confirmation by the Senate. For the same reasons that his appointive powers are limited, so are his powers of removal. Although



MEMBERS OF THE STATE GAME AND FISH COMMISSION
PREPARE FOR WILDLIFE SURVEY IN MOUNTAINS

the governor has fixed constitutional powers and functions, in general, his powers of removal are statutory and apply to statutory agencies. In some cases he may suspend an official until the next session of the General Assembly. Despite the limited legal powers, traditions and practices of office have made Georgia governors powerful executives.

The Constitution confers upon the governor executive powers, and some of them are specifically stated, but many are undefined. The governor is to see that the laws are faithfully executed, and he is conservator of the peace of the state. He may call special sessions of the General Assembly, and he has the power to veto an act of the General Assembly and to require in writing information from any state official. By statutory law he is director of the budget and has important control over the finances of the state. He and his legislative advisors prepare the revenue and appropriation laws.

The governor of Georgia is the leader of his political party and whatever dominant faction may have developed in

the state. There is no effective organized political opposition after election in our one-party state. This political power gives him great influence with the General Assembly and usually leads to a successful administrative program of legislation. Also, in practice, the governor is the only official who has prepared a complete legislative program before the legislature meets, although he has the aid of his friends in the legislature in preparing the program. Legislative terms are short and hurried. Someone must prepare in advance.

Until 1943, the governor had extensive pardoning power. Today his power in this respect is limited to the suspension of the execution of a death sentence until the Board of Pardons and Paroles has had the time to hear the application. He can also suspend a sentence of conviction of treason until the General Assembly meets, and he can commit to a state mental hospital an insane person convicted of a capital crime such as murder or homicide.

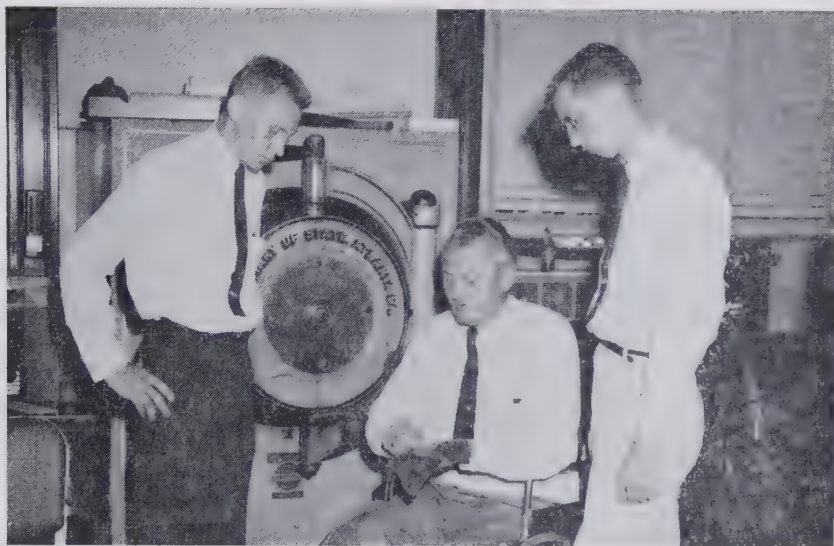
3. *The Lieutenant Governor*

The lieutenant governor is elected for a four-year term at the same time as the governor. He presides over the Senate and is qualified to succeed the governor as explained elsewhere.

4. *The Secretary of State*

The offices of both the secretary of state and the surveyor general were created in Georgia's third Constitution in 1798. Both officers continued to be provided for in the constitutions of 1861, 1865, and 1868. In the Constitution of 1877, however, only the secretary of state was mentioned as a constitutional official and the duties of the surveyor general were combined with those of the secretary of state.

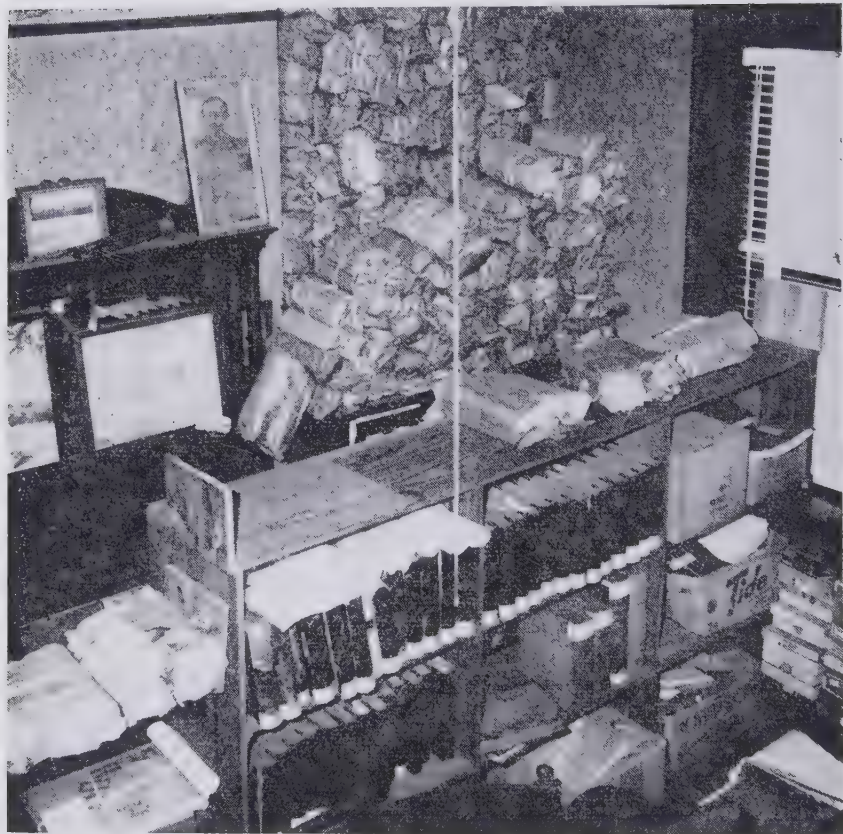
Qualifications, Elections, Term of Office. The secretary of state is elected by the qualified voters of the state at the same time and in the same manner as is the governor of Georgia. His term is also the same as the governor's—four



TWO MEMBERS OF GEORGIA'S BOYS STATE ARE SHOWN THE
GEORGIA STATE SEAL, BY BEN W. FORTSON,
SECRETARY OF STATE

years. There is no restriction as to the number of terms he may serve. To qualify for this office one must be a citizen of the United States for ten years, of Georgia for six years, and be at least twenty-five years of age.

Powers and Duties of the Secretary of State. The secretary of state is charged with the handling and preserving of all records of land grants and surveys of public lands. These are duties which he inherited when the offices of secretary of state and surveyor general were combined. Originally, the surveyor general was a busy official, for there was much public land to be surveyed and granted to the citizens of the state. As public lands have been reduced, naturally the duties have decreased. The secretary of state, however, remains the final authority in boundary line disputes between two or more counties. He is charged with responsibility for the proper conduct of all general and local elections from the printing of the ballots to the final determination of the winners of the elections. He preserves the original copies of all acts and resolutions of the General



LEGISLATIVE RECORDS COLLECTED AND PRESERVED BY
THE DEPARTMENT OF ARCHIVES AND HISTORY

Assembly, compiles all laws in printed form, and distributes them to the courts and county officials. Since 1799 he has been the custodian of the Great Seal of the State of Georgia.

In addition to the above duties, all of which are directly related to his office and some of which are constitutional, the office of the secretary of state performs many other functions which are indicated in the following discussion of the organization of the office. All told, nineteen divisions are in the office of the secretary of state. One of these divisions, called "State Examining Boards," operates through a joint-secretary of Examining Boards and has under its supervision

twenty-one boards which determine the qualifications of and admission to a similar number of professions and trades serving the public. These boards examine and pass on the qualifications for admission to the following trades and professions: accountancy, architecture, barbering and hairdressing, chiropody, chiropractic, engineering and land surveying, forestry, funeral service, medicine, library science, naturopathy, nursing, optometry, osteopathy, pharmacy, practical nursing, psychology, real estate, veterinary medicine, and warm-air heating contracting.

Other important divisions under the secretary of state are the Department of Archives and History, Legislative Services, Corporation Division, Commissioner of Deeds, Trade Mark Division, and Georgia Historical Commission. An examination of the duties and organization of the office of the secretary of state will reveal that most of the duties are in the record-keeping field. In other words, the secretary of state is the most important custodian of records to be found in the government of the state of Georgia. The secretary is also ex-officio member of several independent boards and commissions.

5. *The Attorney General and the Department of Law*

THE ATTORNEY GENERAL

The office of attorney general was created by the Constitution of 1789, but in the next three constitutions the title of this official was changed to state's attorney. In the Constitution of 1868, the title again became attorney general and has remained so since. The Department of Law, of which the attorney general is head, was created by an Act of the General Assembly. The attorney general is thus a constitutional executive officer but the department he heads is statutory.

Term of Office, Election, and Qualifications. The term of office of the attorney general is four years, and he is now elected at the same time and in the same manner as the

EUGENE COOK

Eugene Cook was re-elected attorney general in 1958.



governor and other executive officers. He must have been a citizen of the United States for ten years, have lived in Georgia for six years, and must have practiced law for seven years.

Powers and Duties. Primarily, the attorney general is the legal advisor of the Executive Department, but he and his assistants in the Law Department perform many additional functions for the government. Among his many duties he represents the state in the Supreme Court of Georgia in all appeals from conviction in the lower courts of capital felonies, and in all other cases when required by the governor. He renders opinions to the governor on all questions of law involving the state. He represents Georgia in all cases to which Georgia is a party before the Supreme Court of the United States. He acts as legal advisor and counsel for all state agencies. In his legal capacity he serves in more ex-officio positions than any other state official.

THE DEPARTMENT OF LAW

The Department of Law was first created by statutory law in 1931 as a part of the reorganization of the administrative agencies of the state which took place in that year.

As presently organized, however, the Department of Law dates to an Act of the General Assembly of 1943.

Composition, Terms of Office, Methods of Selection. The Department of Law is composed of the attorney general and such assistant attorneys general as are deemed necessary by the governor and the attorney general. One of his assistant attorneys general is appointed by the attorney general, and the others by the governor with the approval of the attorney general and the confirmation or consent of the Senate. Their terms of office are at the pleasure of the governor and the attorney general. In 1957 the Department of Law listed two deputy assistant attorneys general and twelve additional assistant attorneys general.

Powers and Duties. The Department of Law has complete and exclusive authority and jurisdiction in all matters of law relating to every agency of the state except the courts and the General Assembly. It can conduct investigations into the affairs of any agency, such as the Highway Department investigations in 1958. One assistant attorney general is assigned to the Highway Department and another to the Department of Revenue as special attorneys to these important departments. Prior to the creation of the Department of Law it was customary for state agencies to employ private counsel for legal matters. Though the personnel of the attorney general's office has been increased, it is generally agreed that the creation of the Department of Law has been in the interest of efficiency and economy.

6. The Comptroller General

When Created. The office of comptroller general was not made constitutional until the Constitution of 1861; however, it operated as a statutory office from 1799 until that date. It has been a constitutional office under the Constitutions of 1865, 1868, 1877, and 1945.

Term of Office, Election, Qualifications, and Salary. The term of the comptroller general is four years, and he is

elected at the same time and in the same manner as the governor and other executive officers. He must have been a citizen of the United States for ten years, of Georgia for six years, and must be at least twenty-five years of age at the time of his election.

Powers and Duties. From the creation of the office of comptroller until the creation of the Department of Audits and Accounts (1923) and the Department of Revenue (1938) the comptroller general's office was the chief tax-collecting and auditing agency of the state government. Though some of his original duties and functions have been put under other administrative agencies, he still performs important and varied functions. He keeps complete books, balanced every ten days, on all taxes, fees and other funds which the Department of Revenue and all other departments and agencies pay to and deposit with the state treasurer. He is also charged with the counter-signing of all warrants issued to any department involving state money. The comptroller general is also insurance commissioner and charged with enforcement of the insurance laws of the state. As insurance commissioner he is also Georgia state fire commissioner and appoints the state fire marshal. In addition he is commissioner to enforce the Liquefied Petroleum Safety Act and is an ex-officio member of numerous boards, committees, and commissions.

7. *The Treasurer*

Georgia has had a treasurer since the Constitution of 1789, but he became a constitutional executive officer in the Constitution of 1798, and has remained so in all of the other constitutions the state has had.

Term of Office, Election, and Qualifications. The treasurer's term of office is four years, and there is no limitation on the number of terms he may serve. He is elected at the same time and in the same manner as the governor and other executive officers. In order to qualify for his office he must have been a citizen of the United States for ten years, a



GEORGE B. HAMILTON

Mr. Hamilton, who was re-elected state treasurer in 1958, has been treasurer more than twenty-five years.

resident of Georgia for six years, and he must be at least twenty-five years of age. A further qualification is that he be able to make bond, payable to the state, in the amount of \$200,000 as insurance for the proper accounting of the funds in his keeping. This requirement assures the state of a treasurer of integrity and good record, for it is not an easy matter to make bond in this large amount. It is not required by law, but it is advantageous if the treasurer have professional training in accounting.

Powers and Duties. Among the general duties of his office are the keeping of books on all taxes, fees, and other funds which the Department of Revenue and all other federal and state departments and offices pay to and deposit with him, and the payment from such monies of all proper warrants drawn on him. He pays all bonds issued by the state and keeps accurate accounts of the amounts paid under each appropriation of the General Assembly. The treasurer is also bond commissioner of the state and receives and safeguards all bonds, securities, and funds required by law to be deposited by any person or corporation. For example, insurance companies licensed to operate in Georgia must deposit with the treasurer bonds sufficient to protect Georgia citizens who are policy holders in the payment of

insurance in effect when due. Also, certain state officials must post bond to insure the proper accounting of state funds in their possession. The treasurer is also ex-officio member of seven boards and commissions which are charged with the collection or payment of state monies.

8. *The Commissioner of Agriculture*

The Department of Agriculture, with the commissioner of agriculture as its head, was created by law in 1874. The commissioner of agriculture was made a constitutional executive officer by the Constitution of 1945, but the department is statutory.

Term of Office, Election, and Qualifications. The term of office of the commissioner of agriculture is four years, and, like all other constitutional executives, he is elected at the same time and in the same manner as the governor but, unlike the governor, is not limited in the number of terms he may serve. Qualifications are citizenship of the United States for ten years, residence in Georgia for six years, and twenty-five years of age. In addition, he must have had practical experience as a farmer.

Powers and Duties. The commissioner of agriculture has the power to enforce laws affecting farming and the agricultural interests of the state such as the inspection of foods, feeds, and fertilizers, and the study of soils and poultry, livestock, and plant diseases. He appoints his subordinates who direct and administer the activities of the various divisions of the Department of Agriculture.

The Department of Agriculture is organized into the following main divisions:

The State Veterinarian. The state veterinarian is given the duty of controlling all contagious and infectious diseases among livestock and the improvement of the livestock industry of the state.

Fertilizer Bureau. Inspection of the tagging, weight, and measure of commercial fertilizer sold to the farmer is the duty of the Fertilizer Bureau. The increased use of fertilizer makes this bureau very important.



INSPECTORS CHECK TOMATOES AT GLENNVILLE STATE
FARMERS' MARKET

The Department of Agriculture operates some twenty-two State Farmers' Markets to aid farmers in selling their produce.

Food and Feed Division. All feed and food sold within the state are inspected by the Food and Feed Division.

The Bureau of Markets. The Bureau of Markets is headed by a director of markets, appointed by the commissioner of agriculture, and he is also state warehouse commissioner. This bureau publishes the *Market Bulletin*, the official publication of the Department of Agriculture, which is designed to carry all types of agricultural information to the farmers of the state. It also administers the state farmers' markets throughout Georgia.

State Chemist. Appointed by the commissioner of agriculture, the state chemist makes analyses of samples and fixes standards for fertilizers, feeds, seeds, dairy products, insecticides, and foods and drugs.

The commissioner of agriculture is ex-officio commissioner of immigration and a member of the Soil Conservation Committee.

9. *The Commissioner of Labor and the Department of Labor*

The Department of Labor, with the commissioner of labor as its head, was created by law in 1937. Before its creation two administrative agencies had performed some of the functions it was set up to perform. A Department of Commerce and Labor had been established first and it had been succeeded by the Department of Industrial Relations. Each of these departments was created by statutory law. In the Constitution of 1945, the commissioner of labor was made a constitutional executive officer but the department over which he presides is statutory.

Term of Office, Election, and Qualifications. The commissioner of labor is elected for a four-year term at the same time and in the same manner as are the governor and other constitutional executive officers. He must have been a citizen of the United States for ten years and have resided in Georgia six years before his election. At the time of his election he must be at least twenty-five years of age.

Powers and Duties. The commissioner of labor is charged with the enforcement of all laws pertaining to labor and the provisions of the Unemployment Compensation Act of 1937. In the Department of Labor is set up an Employment Security Agency with an Employment Service Division and an Unemployment Compensation Division. In 1945, the Employment Security Agency employed 640 employees throughout the state while the other branches of the Department of Labor had only sixteen employees.

The Board of Workmen's Compensation. Created in 1937, The Board of Workmen's Compensation is in the Department of Labor but is outside the jurisdiction of the commissioner of labor who serves it only in an advisory capacity. It is composed of a chairman and two other directors, all appointed by the governor for four-year terms with the advice and consent of the Senate. This board enforces the provisions of the Workmen's Compensation Acts.

The Medical Board was created in 1946. It works closely with the Board of Workmen's Compensation, but is



GEORGIA FOREST WORKERS

The Georgia Department of Labor helps workers find jobs. Development of our forest resources is important in providing more jobs at better wages for the workers.

independent both of it and the Department of Labor. It is composed of five qualified physicians appointed by the governor upon recommendation of the Medical Association of Georgia; or if the association fails to nominate, then upon the nomination of the Board of Workmen's Compensation. The members serve for two-year terms which are staggered so that two vacancies occur in one year and three the following year. The Board of Workmen's Compensation must refer to the Medical Board all controversial issues in claims of workmen involving occupational diseases and disabilities incurred while on the job. This board does much to protect the rights and solve the problems of the men and women who work in industry when they are injured or become ill as they follow their occupations. Modern machinery has become so complicated that it is very easy for a worker to become injured while at his daily task. The wide use of chemicals and chemical products in preparation of plastics and other new goods subjects the laborer to many new hazards such as dust, radiation, and harmful liquids.

SUMMARY

The officials discussed in this chapter are the constitutional executive officers of Georgia and are sometimes referred to as statehouse officers. They correspond at state level to the heads of executive departments at the national level, who make up the Cabinet of the President of the United States. To help you remember them they are listed again.

1. The governor, who is the chief executive officer.
2. The lieutenant governor, who presides over the Senate and succeeds the governor in case of his death or disability.
3. The secretary of state, who is the principal officer of records of the state.
4. The attorney general, who is the legal advisor of the governor and the General Assembly.
5. The state school superintendent, who is the administrator of the state school system and the executive officer of the State Board of Education. (This office will be explained in Chapter XIII.)
6. The comptroller general, who keeps records of all state funds and is also insurance commissioner of the state.
7. The treasurer, who is custodian of state monies.
8. The commissioner of agriculture, who aids the farmer and encourages the agricultural interests of the state.
9. The commissioner of labor, who enforces labor laws and unemployment compensation acts.

To aid you further in remembering important facts about these officials, certain general statements can be made. For example, they are all elected by the qualified voters of the whole state for four-year terms on the Tuesday after the first Monday in November of every other even year. The President of the United States is elected in leap years; that is, those years divisible by four. Georgia officials are elected in the alternate even years. To illustrate: Presidential election years were 1948, 1952, and 1956. Georgia's executive officers were elected in 1950 and 1954, and 1958. With exception of the governor and the lieutenant governor,

and certain professional qualifications required of the attorney general, the state school superintendent, and the commissioner of agriculture, their constitutional qualifications are the same. The governor and the lieutenant governor must have been citizens of the United States for fifteen years, of the state six years, and must be thirty years of age to be eligible for election. For all other executive officers requirements are citizenship of the United States ten years, of the state six years, and the age requirement is twenty-five.

The charts at the end of this chapter deal with important constitutional and statutory agencies which differ from the executive officers discussed in this chapter in that they are administered by boards and commissions (with two exceptions) rather than by single elected individuals. In only one case are the members of a board elected by the voters of the state. Georgia has at least seventy-six statutory agencies, but only ten are depicted in the charts. Seven constitutional boards are listed. Students of government all agree that the state of Georgia has entirely too many administrative agencies for efficient operation of the state government.

IMPORTANT CONSTITUTIONAL BOARDS

Reference	Article V Section IV	Article V Section V
Board	Game and Fish Commission	State Board of Corrections
Number of Members	Eleven (one from each congressional district and one from coast)	Five
Selection	By the governor with consent of Senate	By the governor with consent of Senate
Term	7 years staggered	Five years staggered (one neces- sary each year)
Principal Powers and Duties	Control and conserva- tion of birds, game, fish, wildlife. Appoint director and others	Appoints director Control of state penal system

 IMPORTANT CONSTITUTIONAL BOARDS

Reference	Article V Section VI	Article XIV Section I
Board	State Department of Veterans' Service	State Personnel Board
Number of Members	Seven	Three
Selection	By governor with con- sent of Senate	By governor confirmed by Senate (must not be state official)
Term	Seven years staggered	Seven years staggered
Principal Powers and Duties	Work in interests of veterans of all wars, assist with claims and give information about benefits. Appoint direc- tor	Select some state per- sonnel on basis of mer- it, fitness, and efficien- cy. Appoint director

 IMPORTANT CONSTITUTIONAL BOARDS

Reference	Article XII Section I Paragraph 5
Board	State Medical Board of Education
Number of Members	Five
Selection	One by president of Georgia Medical Association. One must be immediate past president of Medical Association. Three appointed by governor.
Term	Four years not staggered
Principal Powers and Duties	Select medical students to receive loans and schol- arships. Purpose of scholarships is to encour- age students to practice in sparsely populated areas. (Secretary of the Board of Regents is ex-officio secretary and treasurer of this board.)



WALTER McDONALD



MATT L. McWHORTER

In 1959 Mr. McWhorter was Chairman of the Public Service Commission. On this commission with him was one of the other four members, Mr. McDonald, who was first elected in 1923.

IMPORTANT CONSTITUTIONAL BOARDS

Reference	Article IV Section IV Paragraph III	Article V Section I Paragraph XI
Board	Public Service Commission	State Board of Pardons and Parole
Number of Members	Five	Chairman and two others
Selection	Elected by voters	By the governor with consent of Senate
Term	6 years staggered	7 years staggered
Principal Powers and Duties	Regulation of utilities: railroads, bus lines, electric power, gas, tele- phone, telegraph, ex- press. Elect one member to serve on State Proper- ties Commission and on the Western and At- lantic Railroad (state- owned) Commission	Grant reprieves, par- dons, and paroles. Commute sentences



BOYS FISHING

The Georgia Game and Fish Commission promotes the propagation of fish for recreational and commercial purposes.

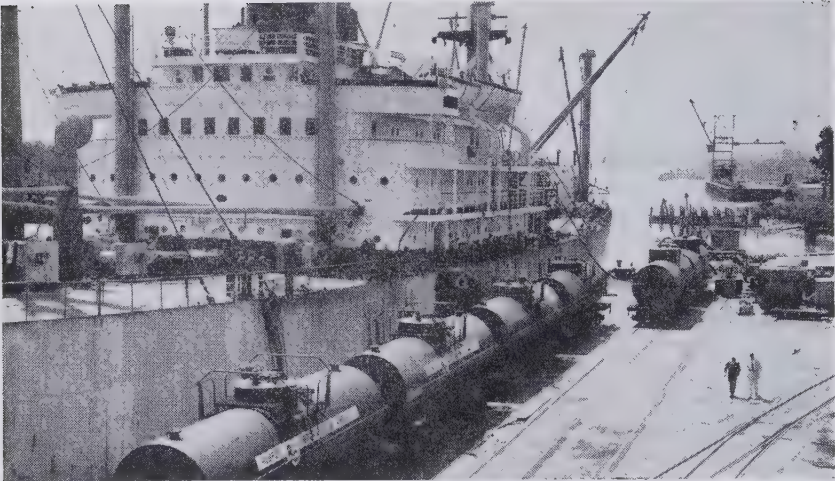
IMPORTANT STATUTORY BOARDS AND DEPARTMENTS

Agency	State Highway Board	Department of Revenue and the Revenue Commission
Governing Agent	Board of three (one from each of three state highway districts)	One revenue commissioner
Selection	By General Assembly	Appointed by governor with consent of Senate (must not be elected official)
Term	6 years—staggered	4 years
Principal Powers and Duties	Construction and maintenance of state roads and bridges except those operated by counties and cities. Jurisdiction over state highway funds (\$69 million in 1957) and federal allocations (\$14½ million in 1957). Employs 3,300 people, the largest of any state department	Operate department which serves as tax collecting agency of state. Enforce all laws on alcoholic beverages. Handle more than \$300,000,000 a year. Ex-officio member of finance committee of Senate and Ways and Means Committee of House of Representatives

IMPORTANT STATUTORY BOARDS AND DEPARTMENTS

Agency	Department of Public Health and Board of Health	Department of Public Welfare
Governing Agent	Board of Health—Fourteen (one from each congressional district and four at large)	Director and ten-member advisory Board of Social Security
Selection	By governor from district nominees of Georgia Medical Assn. State at large members are nominated by Dental and Pharmaceutical Associations	Director and board of ten appointed by governor. Board — one each from congressional districts. Two must be physicians
Term	6 years—staggered	4 years
Principal Powers and Duties	Enforce health laws; make and enforce regulations to prevent spread of contagious and infectious diseases; supreme authority in matters of quarantine; appoint director of public health; supervise local health services; operate Battery State Tuberculosis Hospital; record births and deaths of state; execute sanitary and water pollution regulation; control laboratories for diagnosis and treatment of diseases	Spends \$71,000,000 (1957), \$48,000,000 of which are federal funds for old age assistance; aid to the blind; aid to dependent children and aid to disabled. An additional \$31,000,000 is spent on institutions such as Training School for Girls; School for Mental Defectives, Factory for the Blind; Milledgeville State Hospital and others. District and county offices are maintained.

Both state and national governments are spending an increasing amount of money and energy in the spreading of health information and the control of disease. Since it has become the duty of the government to aid in caring for those who through some misfortune are unable to care for themselves, the Department of Public Welfare has become very important. Its operations touch every village and hamlet. It is the duty of every citizen to aid the two departments described above in every way possible.



RAILROAD TANK CARS BESIDE A C-3 TYPE FREIGHTER
WAITING TO BE FILLED

IMPORTANT STATUTORY BOARDS AND DEPARTMENTS

Agency	Department of Audits and Accounts	Department of Public Defense
Governing Agent	One auditor	One adjutant general who is also Director of Civil Defense. 20 non-salaried advisory council
Selection	Elected by House of Representatives and confirmed by Senate	Appointed by the governor
Term	Indefinite and until successor is chosen	Four years.
Principal Powers and Duties	Audit books and accounts of every state office, department and agency including local schools; protect physical properties of state. Conduct investigations. Annual report for 1957 covers 1857 pages.	Head of National Guard, when not in federal service, state guard, the naval militia, and unorganized militia. Only national guard is active in peace time. As Director of Civil Defense the state must be prepared for disasters: war, fire, flood.

IMPORTANT STATUTORY BOARDS AND DEPARTMENTS

Agency	Department of Public Safety	State Division of Conservation (Department of Mines, Mining and Geology and Department of State Parks, Historic Sites and Monuments)
Governing Agent	Board of Public Safety of seven members	Governor and ex-officio commissioner of conservation
Selection	Governor, Atty. General, Adj. Gen., Comptroller and Chrm. of Highway Board are ex-officio. Two county sheriffs or peace officers appointed by governor.	Governor appoints two department heads to administer departments
Term	four years	four years
Principal Powers and Duties	Appoint director of public safety with rank of colonel. Assist local law enforcement in detection and apprehension of criminals; maintain crime laboratory. Director: directs work of state patrol. Patrol: assists locality in quelling riots; issues licenses to operate motor vehicles; revokes and suspends licenses; investigates accidents; fixes security of any person involved in accident; enforces state traffic laws.	Department of Mines, Mining and Geology: Study and report on geological, mineral and water resources. Dept. of State Parks etc.: Supervisor of 24 state parks. Restoring and marking historic sites, buildings and objects

Agency	Forestry Commission	Department of Commerce
Governing Agent	Five commissioners (3 owners of forest land and 2 from lumber industry)	Board of Commissioners of five members
Selection	Appointed by governor	Appointed by the governor. Executive Secretary also appointed by governor.
Term	seven years—staggered	four years

Agency (Continued)	Forestry Commission (Continued)	Department of Commerce (Continued)
Principal Powers and Duties	Select director. Promote and aid farming, nursery work, reforestation, management and protection of forests, marketing of farm products, and fire protection.	Promotion of Georgia commerce and industry. Promotion of tourist trade.

ACTIVITIES AND QUESTIONS

1. Does the municipality you live in (or nearest to your home) have a merit system for appointing and promoting employees?
2. How many people work for your county?
3. How are state officers' salaries computed in Georgia?
4. How do salaries for government employees in Georgia compare with salaries for state and local government employees in the nation?
5. Explain and illustrate what is meant by "separation of powers."
6. Discuss the *long ballot*.
7. List the qualifications for governor of Georgia. Discuss the governor's term of office.
8. Discuss the famous governor's dispute of 1947.
9. List the powers of the governor of Georgia.
10. List the powers of the other state officers.
11. Note the different ways the constitutional and statutory boards and agencies are selected.

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Chapter VIII

THE COURTS OF GEORGIA

1. *Origin and Purpose of the Courts*

The judicial branch of government, many scholars believe, originated in very ancient times before the executive branch. We know that the legislature is the youngest and that it was created about the thirteenth century. But it is a long climb from the medicine man of the primitive tribe to the Georgia Supreme Court. Calling on the thunder or the moon or the mountains, or resorting to the ordeal or the duel to decide the fate of the accused is too primitive a procedure to be accepted by modern man. Man's striving for certainty in justice has created laws and courts. Amazing progress toward attaining justice under the law has been made in this country.

Purpose of the Courts. Having learned something of the organization and functions of the legislative and executive branches of our state government, it now remains for us to examine the organization and functions of the third branch, the judiciary or court system. Our General Assembly makes our laws. The governor and his executive and administrative assistants are responsible for their enforcement and execution. The courts have several functions. They interpret the laws, they determine the punishment for violation of them, and in civil cases they make decisions between contestants in the interest of justice. Interpretation of the law is an important function of the courts in which many public problems are argued. It is within the power of the courts to express the meaning of a law. Thus, a newly passed law may be tested in the courts. Article I, Section IV, Paragraph II of the Constitution of Georgia clearly gives to the courts of Georgia the power of judicial review in stating, "Legislative acts in violation of this Constitution, or the Constitution of the United States, are void, and

the judiciary shall so declare them." When any lower court declares a state law unconstitutional, however, only the Supreme Court has the final decision.

As citizens we do not have to be lawyers in order to follow the course of public events in the courts. We do, however, need to know at least the newspaper language of the law. Therefore, before beginning our study of the court system it is well that we get clearly in mind some simple terms of legal procedure.

2. *Terms of Legal Procedure*

Civil Suit. A civil suit is a case in a law court brought by one person (called the plaintiff) against another (called the defendant) for damages to person or property which the plaintiff declares he has sustained. Such damages are known as torts. A person injured in an automobile accident may bring tort action against the person responsible for the accident. Another type of civil case, again with a plaintiff and a defendant, is based on the law of contracts in which the plaintiff claims a contractual agreement has been violated. Both types of cases mentioned above are civil cases in law.

A second classification of civil cases is known as equity. Equity means justice, and in an equity case the court settles the dispute in a just manner even when statutory law does not apply. Jurisdiction in equity is provided in our courts for those cases in which "the operations of the general principles of law are deficient in protecting from anticipated wrong or relieving from injuries done." When one cannot sue at law, he may complain in equity, and it is the duty of the court to see that justice is done. Relief in equity cases is by means of an injunction, which is a court order restraining the defendant from committing the act complained of. If you sell a race horse to a neighbor for ten thousand dollars, five thousand dollars of which is paid and the other deferred with the written understanding that the horse is not to be removed from the county until the remaining five thousand is paid, you can request an injunction of the judge

of the superior court if you find that the party plans to remove the horse. No contract is violated, but it is planned. You desire "preventive" justice as you may lose the horse and the five thousand dollars if the defendant is allowed to leave. If an injunction is violated, such violation is "contempt of court," and may carry a prison sentence. There is no jury in equity cases. In civil cases in law the regular rules of law apply.

Crime. Any violation of the law is a crime, but crimes are classed as felonies or misdemeanors. A felony is a major crime, punishable by death or penitentiary imprisonment. A felonious act would be murder, or arson, or shooting at another. A misdemeanor is a minor crime punishable by a fine or a short imprisonment in a work camp or a jail. Stealing a small amount of money, or slightly, but intentionally, damaging property, or running a red light without a serious accident would be misdemeanors.

Jurisdiction. Jurisdiction is the competence of a court to try cases. Original jurisdiction is the legal authority to try the case directly and originally. When a court has unlimited original jurisdiction, as do the superior courts in Georgia (which will be discussed later), it may try any type of case, either criminal or civil. Many of our courts, however, are limited in their jurisdiction; in criminal cases to the trial of misdemeanors, and in civil cases, to controversies involving relatively small amounts. Concurrent jurisdiction means that two or more courts have equal competence. Appellate jurisdiction is the competence of a higher court to hear appeals from the judgment of a lower court. Final jurisdiction means that no further appeal may be made from the court's decision.

3. How a Person is Brought to Trial

The Grand Jury System. The grand jury is used only in the superior court and is limited to the county in the circuit in which the court is being held. This is a jury of from eighteen to twenty-three citizens which indicts defendants

in felony cases. An indictment is an accusation but carries no presumption of guilt until the case is tried before a trial jury. Unless the defendant waives his right to indictment, he cannot be tried without indictment in a felony case. The grand jury also has other functions of importance within the county in which it is empaneled. It inspects county property and recommends the appointment of certain county officers. It has unlimited power to make recommendations for the improvement of the court system and the county government. Its report and recommendations are known as the "Presentments of the Grand Jury" and are often most influential in their effect.

How an Indictment Is Obtained. The solicitor general, who in the superior courts of Georgia is the prosecuting attorney for the state, presents a legal document to the grand jury which is known as a bill of indictment. This document contains all that the solicitor general has been able to find out about the alleged crime and the evidence pointing to its having been committed by the accused. If the grand jury, by a majority vote of as many as eighteen jurors, feels the evidence is sufficient to hold for trial the person charged in the bill of indictment, it will find a "true bill." If, on the other hand, the grand jury votes that the evidence is not sufficient to hold the accused person for trial, "no bill" is written across the bill of indictment and the accused is freed.

Traverse (Petit or Petty) Jury. The trial jury in both civil and criminal cases is the traverse jury. In most Georgia courts, where a jury is used, this jury is composed of twelve members and decides by a unanimous verdict the question of fact involved in the case. By a question of fact we mean simply: Is the defendant guilty or not guilty as charged? The verdict is the jury's answer to this question. The sentence of the judge is known as the judgment of the court. In a civil case the jury can determine the amount of damages to be awarded the plaintiff.

Selection of the Juries. The judge of the superior court appoints in each county a jury commission composed of six persons who serve for six-year terms. This commission takes from the records of the tax receiver the names of intelligent and upright citizens, who serve as jurors. These names are divided into two groups, one for the traverse jury and one for the grand jury, and are placed in separate boxes, from which they are drawn by the clerk of the court when there is to be a session of court. Ministers, teachers, and physicians are exempt from jury duty, but as civic duty they sometimes waive their exemptions. Not until recent years were women in Georgia permitted to serve on juries. It is still not mandatory that they do so, but in many counties of the state they have volunteered to serve and have served on both grand and trial juries. In a few cases women have been chosen as foremen of juries by fellow jurors. Foreman of the jury is an important and responsible position, especially foreman of the grand jury.

From Warrant to Trial in Criminal Cases in Superior Court. Warrants for arrest may be issued by a justice of peace, or city, county, or superior court judges. The sheriff or his deputy serves the warrant or makes the arrest. The accused is given a preliminary hearing before one or more justices of the peace. The judge may allow the accused to post bond, or, in serious offenses such as murder, he may refuse to fix bond at that time. Bonds are to assure the appearance of the accused in court. If the accused does not appear, the bond, or a sum of money equal to it, is forfeited. For a very minor offense no bond may be required. Prosecutions are conducted by a solicitor general or attorneys representing the court.

The accused is bound over to the grand jury on a serious offense. The grand jury returns a true bill or no bill. A true bill means that sufficient evidence is present to warrant a trial. The sheriff must subpoena twenty-four jurors for minor offenses, and a panel of forty-eight jurors must be in court for felony (more serious) cases.

The state, as prosecutor, is allowed fewer "strikes" of jury names than the defendant. In case of felonies the court may permit the accused to "challenge" each juror by asking him questions about the case and his attitude toward the defendant.

Twelve traverse jurors serve as the trial jury and must render unanimous verdicts for conviction.

4. Protecting the Accused—Presumption of Innocence

Like the laws of all democratic societies, the laws of Georgia assure the accused of many protective devices against arbitrary court action. He is entitled to counsel, and the judge will appoint a lawyer to defend an accused man if he cannot afford to pay for legal services. The accused must be presented a copy of the accusations; the witnesses must testify in open court in his presence; the defendant may have witnesses subpoenaed in his behalf; he is not required to testify against himself; and he may make an unsworn statement to the jury explaining his side of the dispute with the state. In many other ways the defendant is guarded against hasty conviction and punishment by the state. In short, the law assumes that an accused man is innocent until the state proves his guilt.

If the wheels of justice seem to turn slowly, remember that the democracies have found from centuries of experience that it is dangerous for the courts to move too hastily as well as too slowly. Justice requires deliberation without unwarranted delays.

5. Importance of Judicial Independence

It is well that American law and courts have improved through the years. More than in any other country in the world, the important issues of policy in our state and nation sooner or later reach the courts for clarification and settlement. Under our system an actual court case is most important in determining the meaning of the law. The decision reached is used as an example for other cases.

Georgia voters ratified a constitutional amendment in 1956, changing the terms of judges of the superior courts of the Atlanta judicial circuit from four to eight years. That may seem an insignificant development, but the short term of elected judges has been frequently criticized by judicial students as a serious defect. Many believe that longer terms would contribute to court independence. This would apply to the solicitors general (the prosecuting attorneys) as well as to judges.

Georgia early instituted the election of judges and solicitors (prosecutors). Since the first rule for judging an impartial court is its independence, some feel that judges and prosecuting attorneys should not have to solicit funds for campaigns and make political promises and commitments to hold office. Actually our system does not have a great turnover of judges and prosecutors. Both officials usually are re-elected if they make good their first term, and frequently they have no opposition.

Pennsylvania has a twenty-one-year nonsuccessive term for Supreme Court judges; Maryland has a fifteen-year term, and Louisiana and New York fourteen-year terms. Massachusetts and New Hampshire appoint for life. New Jersey appoints for one seven-year term; the judge is then eligible for appointment during good behavior or life. Long terms appear to have been beneficial in those states.

Missouri has a system of judicial tenure to guarantee independence, which has attracted universal attention. The Missouri plan has been commended for its intelligent compromise between election and appointment. From a list of three names proposed by a state commission of seven men (chief justice, three appointed by the governor and three elected by the state bar association), the governor of Missouri appoints one to an appellate court vacancy for a term of seven years. The judge, after this seven-year term, runs for election before the people, but only against his own record. He has no opposition candidate and no expensive campaign. Some say that the Georgia Bar Association devised this

Missouri plan, but Georgia did not adopt it. Alaska has a similar plan for selecting judges.

A proposal was made in Georgia in May, 1931, to use the following procedure when a vacancy occurred on the supreme or superior courts: The judge's "... name shall be placed on a separate ballot, without political designation with the question printed thereon: 'Shall this judge be continued in office?' If a majority of those voting in the general election vote to retire the judge, he shall be retired at the expiration of his term; otherwise, he shall be commissioned for another full term."¹

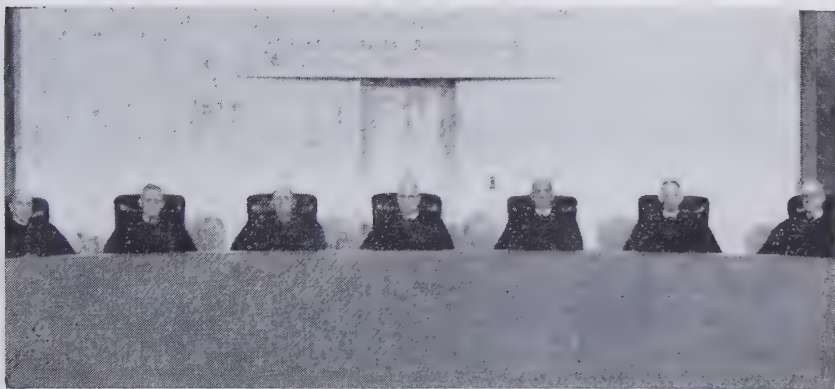
6. *Constitutional Courts*

Article VI of the Constitution of Georgia declares in Section I: "The judicial powers of this state shall be vested in a Supreme Court, a Court of Appeals, Superior Courts, Courts of Ordinary, Justices of the Peace, Notaries Public who are ex-officio Justices of the Peace, and such other Courts as have been or may be established by law." The courts mentioned in this article make up the constitutional court system of Georgia. The other courts which will be discussed in this chapter are statutory courts and have been established, from time to time, by the General Assembly. The enumeration in the Constitution of so many courts is in decided contrast to Article III of the Constitution of the United States which states simply: "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain or establish." Thus, at the national level, all courts have been established by Congress except the Supreme Court and even in the case of the Supreme Court Congress has determined its membership.

7. *The Supreme Court of Georgia*

When Created. For many years after Georgia became a state she had no supreme court; the superior courts, with

¹A *Proposed Constitution for Georgia*, Bulletin of the University of Georgia, Volume XXXII, No. 4, January, 1932.



THE GEORGIA SUPREME COURT, 1959

Members of the Supreme Court are Justice Bond Almand, Justice T. S. Candler, Presiding Justice Lee B. Wyatt, Chief Justice Henry Duckworth, Justice T. Grady Head, Justice J. H. Hawkins, and Justice Carlton Mobley.

original as well as appellate jurisdiction, were the highest courts in the state. An amendment to the Constitution of 1798, providing for a Supreme Court, was ratified in 1835, but the General Assembly did not pass enabling legislation until 1845; and the court was organized in 1846. Originally three justices rode the circuits throughout the state to hold court. The Supreme Court now always sits in Atlanta, as does the Court of Appeals. On the Supreme Court bench today are seven justices who, from time to time, elect their chief justice and presiding justice. The presiding justice acts for the chief justice in case of his absence. You will notice that originally the Supreme Court was made up of an odd number of justices. At present the same plan is followed. This is due to the fact that in hearing appeals from lower courts all appellate courts sit as a panel of judges and do not have juries. They render their decisions by a majority vote. An odd-numbered bench prevents ties in decisions. It should also be noted at this point that members of the Supreme Courts, both of the United States and of Georgia, are designated as justices while all other members of the judiciary are called judges except justices of the peace, the lowest court in our state system.

Methods of Election, Terms of Office, and Qualifications.

Justices of the Supreme Court are elected by the voters of the whole state in the general elections, in which members of the General Assembly are elected, which are held in even years on the Tuesday following the first Monday in November. Their terms of office are six years each, staggered so that two are elected every two years. To qualify for election to the Supreme Court one must have been a citizen of Georgia for three years, be at least thirty years of age, and have had seven years' experience in the practice of law.

Jurisdiction of the Supreme Court of Georgia. The Supreme Court has no original jurisdiction but "shall be a court alone for the trial and correction of errors of law from the superior courts" and city courts. It has appellate jurisdiction in the following classifications: cases that involve the construction of the constitutions of Georgia or the United States, or treaties of the United States; cases in which the constitutionality of any law of Georgia or of the United States is in question; cases respecting titles to land; all equity cases; all cases which involve the validity or construction of wills; all cases of capital felony; all *habeas corpus* cases;¹ all cases involving extraordinary remedies;² and all divorce and alimony cases. It also has jurisdiction in all cases certified to it by the court of appeals or carried from that court by a writ of *certiorari*. In the event the court of appeals is in doubt as to its decision, it may certify the case to the Supreme Court and request that body to review its decision. In the event the Supreme Court is in doubt as to a decision of the court of appeals, it may issue a writ of *certiorari*, which means that it will assume final jurisdiction in the case.

¹The writ of *habeas corpus*, a Latin phrase, meaning literally, "you have the body," is one of the guarantees we have in both the Constitution of the United States and that of Georgia that we will not be held in custody unjustly. When a judge issues such a writ the official holding a person for an alleged crime must appear before a judge and give cause for thus holding him. If he cannot do so, the judge will order the person held, freed from custody.

²"Extraordinary remedies" is an old legal phrase that has been repeated in stating the jurisdiction of the Supreme Court in several of our constitutions. Actually, today, it has little application and the Supreme Court, in cases where the statute law is not clear as to the remedy, would assume jurisdiction as though it were a case in equity.



THE COURT OF APPEALS IN 1959

This court included the following members: Jule W. Felton, Chief Judge; B. C. Gardner, Presiding Judge; J. M. C. Townsend, Ira Carlisle, Joseph D. Quillian, and H. E. Nichols.

The Supreme Court makes and publishes its own rules regarding every phase of practice in the court and appoints its own non-judicial personnel, such as clerks of the court, a sheriff, reporters, and law assistants.

8. Court of Appeals

When Created. The court of appeals was created by an amendment of the Constitution of 1877, which was ratified in 1906. The court originally consisted of only three judges and held its first session in 1907. Today the court consists of six judges. This seems to violate the principle of an uneven number of judges in an appellate court, but actually it sustains it, as the court of appeals normally sits in two divisions of three judges each.

Methods of Election, Terms of Office, and Qualifications. The judges of the court of appeals are elected at the same time as are the members of the General Assembly. Any

vacancy on the court may be filled by the governor until the next general election. The terms of office are six years each and are so staggered that two vacancies occur at two-year intervals. Qualifications are three years' residence in Georgia, thirty years of age, and seven years' experience in the practice of law.

Jurisdiction of the Court of Appeals. The court of appeals has appellate jurisdiction for the trial and correction of errors of law only in those cases arising in the superior and city courts over which the Supreme Court does not have exclusive jurisdiction. After reading the above classes of cases over which the Supreme Court has jurisdiction, one might naturally wonder what is left for the court of appeals. The purpose of the court of appeals was to relieve the Supreme Court of some of its burden. It is true that it does not have jurisdiction over the variety of cases as does the Supreme Court, but the mere fact that it usually sits in two divisions would seem to indicate that it has a greater number of cases appealed to it. It can handle criminal cases less than those involving punishment by death and many civil cases. Since 1945, it has been permissible for the court of appeals to sit either as two divisions or as one court. In the event of a dissent in the division to which the case was originally assigned, the court must sit as a whole and the majority opinion, if there is one, prevails. "In the event," however, "of an equal division of the judges on any case when the court is sitting as a body, the case shall be immediately transferred to the Supreme Court."

From time to time the court of appeals elects one of its members as chief judge. The chief judge presides over one of the divisions of the court. He designates the judges to sit in each of the two divisions and names the presiding judge of the other division. The court also elects its clerk, deputy clerk, reporter, assistant reporter, and sheriff.

9. *The Superior Courts of Georgia*

When Created. Superior courts were provided for in the original Constitution of Georgia. For the seventy years

between the Declaration of Independence and the creation of the Supreme Court, they were the highest courts of record in the state. They are still the most important element of the state's court system. Most superior courts in Georgia are circuit courts, which means that the judge and the solicitor general, who is the prosecuting attorney for the state in the superior courts, go on circuit and hold court at least twice a year in every county in the circuit. Five circuits, however, due to large population and much judicial business, include only one county each. These are the Atlanta Circuit, the Cobb County Circuit, the Eastern Circuit (Chatham County), the Floyd County Circuit, and, since January 1, 1957, the Clayton County Circuit. As population grows and as the work-load of the courts increases, naturally, new circuits must be established. In the January, 1956, session of the General Assembly six acts were passed, and one resolution for a constitutional amendment dealing with the organization of the superior courts was adopted. As a result of this new legislation, as of January 1, 1957, Georgia now has thirty-seven superior courts with fifty-two judges. Most superior courts have only one judge, but the following are exceptions: The Atlanta Circuit has nine judges, a solicitor general, a first assistant solicitor general, and seven trial assistants; the Eastern Circuit (Savannah and Chatham County) has three judges; the Augusta Circuit has two judges; the Macon Circuit has two judges; the Stone Mountain Circuit has three judges; and the Chattahoochee Circuit, within which is Columbus, has two judges.

Methods of Election, Terms of Office, and Qualifications. The judges and solicitors general of the superior courts of Georgia are elected by all the voters of the state at the same general elections in which members of the General Assembly are elected. Since these regular elections occur every even year and the terms of office of both judges and solicitors general are four years but do not necessarily start at the same time, only about half of each are elected in any one



JUDICIAL CIRCUITS, STATE OF GEORGIA

election. It may appear strange that a judge, or a prosecuting attorney, should be voted on by the voters of the whole state when his duties are confined to a relatively small circuit, and in some cases to only one county. The theory behind such elections is that a superior court judge and solicitor general are state officials and thus should be elected by all the voters. Though it is true that they usually serve only in the circuits within which they live and to which they are

assigned, they are competent to serve, in the absence or disqualification of other judges and solicitors general, in any superior court in Georgia. It should be carefully noted, however, that judges and solicitors general are nominated by their parties in a party primary, or convention (in the case of the Republican party), which is confined only to the counties of the circuit they propose to serve. Since the Democratic party has been predominant in most of Georgia since the reconstruction days which followed the War between the States, nomination in a Democratic primary has usually meant election. (Primaries and elections are discussed in more detail in another chapter in this text.) To qualify for the office of judge of the superior court one must have reached the age of thirty, have been a resident for three years of the circuit in which he offers, and have had seven years' experience in the practice of law. Solicitors general must be twenty-five years of age with three years of legal experience. Provisions now are in the laws of Georgia by which justices of the Supreme Court, judges of the court of appeals, judges of the superior courts, and solicitors general, upon reaching certain specified ages with specified years of service, may retire and become emeritus judges or emeritus solicitors general for life with a large portion of their former salaries paid out of the state treasury as a retirement salary.

Jurisdiction of the Superior Courts. The superior courts of Georgia are the highest courts of original jurisdiction in the state. They are courts of both law and equity and have exclusive original jurisdiction in some cases and concurrent jurisdiction in all other cases with the lower courts. They also have some appellate jurisdiction, as cases from the courts of ordinary and justice of the peace courts can be appealed to them. It might be easier to remember if you keep in mind that the superior court has exclusive jurisdiction in many of the cases in which the Supreme Court has exclusive appellate jurisdiction. Thus an equity case, a case involving titles to land, divorce cases, and all criminal cases

where the penalty could be penitentiary confinement or death, must be begun in the superior courts.

10. *Courts of Ordinary and Probate*

The Constitution of Georgia provides in its Article VI, Section VI, for a court of ordinary and probate in each county, the powers of which shall be vested in an official called the ordinary. There are thus 159 such courts in Georgia. The court of ordinary is given constitutional jurisdiction to issue warrants, try cases, and impose sentences in all misdemeanor cases involving state traffic laws and the compulsory school attendance law in those counties which do not have either city or county courts (which will be discussed later in this chapter), provided the defendant waives jury trial. No jury is used in the court of ordinary. The ordinary is elected for a term of four years and no qualifications are specified other than the usual qualifications for voting and holding office. The most important jurisdiction of the court of ordinary is fixed by statutory law and includes the probate of wills, the appointment of administrators and executors of the estates of deceased persons, the appointment of guardians for minor children, and the issuing of what are called "writs of lunacy" in the cases of those who have been adjudged insane after a hearing in this court. Though the court of ordinary is a court of record in the state judicial system, many of the functions of the ordinary are non-judicial in nature. The ordinary issues marriage licenses, prints ballots for all elections held in the county, and exercises other administrative power over county matters. Under the Constitution of 1868, the ordinary was the principal administrative officer in each county; but by amendment to the Constitution of 1877, it was provided that "the General Assembly may provide for Commissioners of Roads and Revenues in any County." This provision was continued in the Constitution of 1945, and in about one hundred fifty counties such commissions have been established and have taken over many of the administrative duties of the ordinary.



JUDGE OLIN PRICE, CITY RECORDER, PRESIDING IN COURT

This court enforces city ordinances. In the afternoon, Judge Price presides at the State Juvenile Court in the courthouse in Clarke County.

This will be commented on further in the chapter on local government. The position of ordinary is often sought by women, and in 1956 was held by women in thirty-five counties. This is probably due to the relationship of the office to the family and its many modern problems.

11. *Justice of the Peace Courts*

The lowest of the courts in the state system are the justice of the peace courts. The counties of Georgia are divided into about 1700 political and judicial subdivisions known as militia districts. Originally, when the state militia was the principal source of the armed forces of the country, a militia district was supposed to furnish a company of soldiers for defense. Today they are primarily used as voting precincts. In each militia district the Constitution provides that one justice

of the peace shall be elected by the voters of the district for a four-year term; however, in cities of more than 20,000, or counties having a city of such population, the General Assembly may replace the justices of the peace with other courts. Since they are statutory in nature, such existing courts will be discussed later in this chapter. Justices of the peace in Georgia perform the functions of what are known in some states as courts of small claims. Justices of the peace have jurisdiction in civil cases arising from damage to personal property when the amount in controversy does not exceed two hundred dollars. By statutory law this court is authorized to issue a warrant (order for arrest) for any person charged with a crime and to examine the evidence against him before committing him to jail, freeing him on bond, or discharging him. Justices of the peace have no further criminal jurisdiction.

In addition to justices of the peace, the Constitution provides that upon the recommendation of the grand jury of any county, the judge of the superior court may also appoint a commissioned notary public for four years, whose duties and jurisdiction are the same as the elected justice of the peace.

Missouri (1945), New Jersey (1949), and Ohio (1957) have virtually abolished the office of justice of the peace. Some Georgia counties of more than 20,000 population have taken this step, as abolition is permitted by such counties under the Constitution. Other counties in Georgia are contemplating or already have switched from the fee system to a salary for judges and some other county offices. Some militia districts (the justice of peace election districts) have no candidates offering for election as justice of the peace.

Justices of the peace very often are competent people. In early days when means of travel were difficult, this office served a very useful purpose. A prominent local citizen at times served as justice without pay. It was a poor man's court trying small offenses against the law and minor civil

GEORGIA COURTS

A. CONSTITUTIONAL

Georgia Supreme Court. Jurisdiction: (1) final unless federal question involved; (2) original—none; (3) appellate and exclusive in: (a) equity; (b) land titles; (c) constitutional issues; (d) wills; (e) capital.

Court of Appeals. Jurisdiction: (1) original—none; (2) entirely appellate except as to cases listed in A above. (3) usually final but Supreme Court may assume jurisdiction by *certiorari*, etc.

Superior Courts. Jurisdiction: (1) both original and appellate, but primarily original; (2) exclusive in: (a) divorce; (b) land titles; (c) equity; (d) felonies.

The most important state court of first instance. Several populous circuits have additional superior court judges.

Courts of Ordinary. Jurisdiction: (1) wills; (2) estates; (3) orphans; (4) commissions of lunacy; (5) State Patrol Act and Compulsory School Act violations when no city or county court; (6) also certain administrative duties.

Justice of Peace & Commissioned Notary Public Courts. Jurisdiction: (1) criminal complaints and examinations; (2) issuance of warrants; (3) civil cases involving \$200 or less. May be replaced by municipal courts through legislative act in cities of 20,000 or counties having such city.

B. LEGISLATIVE

City Courts

Each created by special act. Details as to terms, pay, etc., vary widely; judges usually elected for 4 years. Jurisdiction: county-wide; same as superior courts in civil cases except when latter has exclusive jurisdiction; also try criminal misdemeanors and traffic violations of State Patrol Act, 1937.

County Courts

Created by Act of 1872, hence similarly organized. Jurisdiction: misdemeanors; civil cases in which value in controversy does not exceed \$500 and when superior court does not have exclusive jurisdiction.

Other Legislative Courts

(1) Municipal courts created by state laws. They vary as to jurisdiction and in other respects. They are provided in more populous cities and counties only and replace justice of the peace courts. (2) Mayor's courts, police, recorders, etc., are provided for in city charters. Their jurisdiction extends only to matters covered by city ordinance.

actions, as it still does. This court also holds commitment hearings and issues warrants. Courts and lawyers in the eighteenth century were not available in rural areas; therefore, some good man of the countryside was selected to serve as judge in local disputes in the sparsely populated area. Few roads and fewer bridges were then in existence. As good roads now are prevalent in Georgia, some believe that the functions of this court could be turned over to courts of record in the county to assure the poor man the full

protection afforded by professionally qualified judges. Others think that the abolition of the fee system would be sufficient corrective, and that we should keep the system at this level.

12. *The Statutory Courts of Georgia*

The Constitution mentions city courts but does not establish such courts or prescribe their organization or jurisdiction. The 1955-56 *Georgia Official and Statistical Register* lists sixty-two such courts, but, since they have all been established by statute, the number is frequently changed. The name *city court* is very confusing unless you get some facts well in mind in the beginning of your study of city courts. Though called city courts they are actually state courts with county-wide jurisdiction in the counties in which they are located and enforce state laws, not city ordinances. Generally they are named for the city where they sit, but often they are named for the county in which they have jurisdiction. Thus, we find in Bibb County the City Court of Macon, and in Chatham County the City Court of Savannah, while in Rome the court is called the City Court of Floyd County, and in Gainesville it is the City Court of Hall County. These courts are not to be confused with municipal courts, or the courts in the towns and cities, which enforce municipal ordinances. Since each of these courts has been established by a separate act of the General Assembly, no uniformity exists. Most of the judges are elected for terms of four years, but some of them are appointed by the governor. Though their jurisdiction differs from county to county, a few generalizations may help you to understand these courts. First, they are limited in both civil and criminal jurisdiction. In civil cases they are limited as to the amount involved in the controversy and in criminal cases to misdemeanors. Their purpose is to relieve the more important and more expensive superior courts of some less important cases. The city courts use trial juries of twelve, but not grand juries. They usually meet between sessions of the

superior courts in order to clear out as many misdemeanor and civil cases as possible without too much delay. The prosecuting attorney for the state in city courts is called the solicitor. Remember, in the superior court he is the solicitor general. Appeals from these courts go to the court of appeals or to the Supreme Court.

County Courts. County courts are also courts of limited jurisdiction; and though quite a number of them have existed throughout the state since 1872, when they were authorized by law, today they exist in only four counties: Baldwin, Clinch, Echols, and Putnam. "These courts have jurisdiction in all cases of contracts and torts (except where exclusive jurisdiction is in the superior court) where the principal sum claimed does not exceed \$500, and in misdemeanor cases." Appeals from these courts go direct to the superior court.

Other State Courts; Municipal Courts. It is provided in Article VI, Section VII, Par. 1 of the Constitution of 1945, that "the General Assembly may, in its discretion, abolish justice courts and the office of justice of the peace and notary public ex-officio justice of the peace in any county in this state having within its borders a city having a population of over twenty thousand." It further provides for establishment, in such cases, of courts with extensive powers and limited only by the exclusive jurisdiction conferred on other courts by the Constitution. Under this provision, and other constitutional authority to establish inferior courts, the following state courts, other than the city and county courts already discussed, have been established in Georgia cities by acts of the General Assembly: the Criminal Court of Fulton County, the Civil Court of Fulton County, the Civil Court of Dekalb County, the Civil Court of Bibb County and municipal courts of Augusta, Columbus, and Savannah. You should remember that these courts, like the city and county courts, are not associated with the city government in the city in which they are located, but are a part of the state court system. Their jurisdiction differs, as each has

been created by a separate statute, but you may be sure none of them has jurisdiction equal to that of the superior courts.

Juvenile Courts. In order to take care of juvenile offenders outside of the regular court system, an act of 1951 authorized every county in Georgia to set up juvenile courts and made it mandatory for counties with 60,000 or more inhabitants to establish such courts. Juvenile courts do not use a jury; and in counties where no such court has been established, the judge of the superior court must act as such and try all juvenile cases. Juvenile court judges have jurisdiction over cases involving children and youths under seventeen years of age, and the law provides against the publication of the names or pictures of any juvenile under the jurisdiction of the juvenile courts, provided it is the juvenile's first offense.

13. Federal Courts with Jurisdiction Over Georgia Citizens

Unless a federal question is involved, the United States courts do not have jurisdiction over Georgia laws. Should a law of Georgia, or any state, be challenged as being in violation of the Constitution, laws, or treaties of the United States, the Supreme Court of the United States might review the case. Or, should a citizen of Georgia claim that he had been denied any of the rights guaranteed under the Constitution of the United States, a federal district court might assume original jurisdiction. Unless a federal question is involved, however, the Supreme Court of Georgia has final jurisdiction. However, federal laws operate in the states just as do state laws, and all cases involving violations of federal laws go to federal courts originally.

District Courts of the United States in Georgia. No resident of the United States, or its possessions, is outside the jurisdiction of a district court of the United States. This is a court of original and almost unlimited jurisdiction, and corresponds in the federal system to the superior court of Georgia. Some states may be only one federal court district; others, like Georgia, may possess more than one federal

UNITED STATES COURTS

A. CONSTITUTIONAL

U. S. Supreme Court

- 1) Has very slight original jurisdiction. Ambassadors, other public ministers and consuls, states.
- 2) Most hearings are brought up from courts of appeals but some are from district courts direct and from state supreme courts where federal questions are involved.

Courts of Appeals

- 1) Jurisdiction is entirely appellate from (a) district courts; (b) administrative agencies. Examples: ICC & FTC; (c) its decisions are final unless the Supreme Court chooses to assume jurisdiction.

District Courts

- 1) These are courts of original jurisdiction *only*. The 90 districts are divided into divisions which may be in simultaneous session since there are extra judges. All federal cases of "concurrent" jurisdiction tried in federal courts must start here except where the Supreme Court has original jurisdiction. Cases involving federal questions may *transfer* here from state courts *prior* to any decision by the latter, but not thereafter.

B. LEGISLATIVE

In all those courts which owe their existence to *Congress* one must look to the statute itself for details as to jurisdiction, organization, tenure, salary, etc.

Examples

The Court of Appeals for the District of Columbia.

Similar functions to federal courts of appeals in circuits.

Court of Claims

Examines claims against the U. S. and reports facts found to Congress or to an executive department.

Court of Customs and Patent Appeals

Determines claims arising from rulings of the patent commissioner and customs authorities.

Tax Courts

Concerned with income tax appeals

Territorial Courts

For territorial litigation

district court. Georgia has three federal district courts and five judges in the state. The Southern District Court has headquarters in Savannah and has one judge; the Middle District Court has headquarters in Macon and has two judges; and the Northern District Court has headquarters in Atlanta and also has two judges. Each of these courts, like most of the superior courts of Georgia, holds sessions in several counties. Seventeen divisions of three United States district



FEDERAL JUDICIAL DISTRICTS

courts are in Georgia, and court is held at least twice a year in the principal city of each of these divisions.

United States Courts of Appeals. The United States has ten circuit courts of appeals and an additional court of appeals in the District of Columbia. Every district court of the United States is within a circuit court of appeals, and appeals from its decisions go directly to this court. Georgia is within the United States Fifth Circuit Court of Appeals

which has appellate jurisdiction only in federal cases from the District Courts of Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and the Panama Canal Zone. From three to nine judges are in each of the United States Courts of appeals.

The Supreme Court of the United States. The United States Supreme Court is composed of a chief justice and eight associate justices and is the court of last resort on all cases involving federal law in cases carried to it from a court of appeals, and, in cases involving a federal question, from the supreme courts of the states. All federal court judges are appointed for life or for "good behavior." This means they may be removed from office only by impeachment.

ACTIVITIES AND QUESTIONS

1. Define or explain: (a) civil suit, (b) equity, (c) crime, (d) jurisdiction, (e) grand jury, (f) bill of indictment, (g) petit jury, (h) jury commission, (i) drawing the jury, (j) presumption of innocence.
2. Trace the legal steps taken from the time a warrant is issued until a jury verdict is rendered.
3. Relate the term and selection of judges with judicial independence.
4. How many justices sit on the Georgia Supreme Court? How are they selected? What do you mean by staggered terms? What jurisdiction does the court possess?
5. How many divisions are found in the Georgia court of appeals? Why was this court created and what is its jurisdiction?

FOR FURTHER STUDY

Pound and Saye, *Handbook on the Constitution of the United States and Georgia*.
Gosnell and Anderson, *The Government and Administration of Georgia*.
MacDonald, H. Malcolm, *Outside Readings in American Government*.
Georgia Official and Statistical Register.
MacDonald, Austin F., *State and Local Government in the United States*.

Chapter IX

VOTING AND ELECTIONS

1. *Problems Connected with Voting*

Voting Behavior. Before we examine the method of registering and voting in Georgia, let us look briefly at the voter. In the United States the voter goes to the polls in larger numbers during a presidential election than he does for his state and local elections. This shows the value he places on national elections where the ballot is short and the issues dramatically presented. Even in a one-party state like Georgia the vote for President will sometimes run higher than it does in a governor's race in the primary, although the voter usually knows how Georgia will cast its electoral votes for President before the election. At least he is reasonably certain, since Georgia has never cast its electoral votes for a Republican candidate. In 1954, only 646,235 voted in the gubernatorial primary race in Georgia, although the results were very much in doubt in this state race before the voting took place. Eisenhower and Stevenson polled 655,784 Georgia votes in 1952, and even more, 657,746, in 1956. While 55 per cent to 65 per cent of the people of voting age in the nation vote, Georgia does only half as well—about 30 per cent vote in the primaries, which are our most interesting state races.

Why do people fail to vote? In Canada, Britain, and France the vote is consistently from 75 per cent to 85 per cent of those of voting age. The following comments may help to explain the lack of interest in elections in the United States. Sometimes laws make it difficult for a person to register and vote. For instance, registration may be complicated, or registration may be required a long period in advance of an election. Absentee ballot laws may be cumbersome. Absentee voting is no longer difficult in Georgia, as the 1957 legislature changed the law so that a person

need give only five days prior notice to get an absentee ballot. In some states it is sixty days. Hours for holding elections may not be uniform and a person desiring to vote in some rural district may discover too late that the polls closed at an early hour. Again this is not true in Georgia for state elections. In 1957 the General Assembly decreed that the polls would remain open from 7 A.M. to 7 P.M. in all state elections.

Legal bars may not be as serious as some other factors. As the certainty of elections becomes apparent, especially in nominally one-party states, the vote declines. This certainly applies to Georgia. Young voters do not exercise the right to vote as much as their elders; but this seems to be true also of other beginning voters, like women, a few years ago. It seems very evident also that ignorance is one of the major factors. Consistently over the years large numbers of the poorly educated fail to vote. The long ballot also repels many voters. When a person knows that he cannot possibly familiarize himself with thirty or forty candidates and twenty or thirty offices, he may give up in disgust. Where cities or counties are machine or boss dominated, elections are apt to be held as quietly as possible by avoiding real campaigns and issues. The politically powerful know that a large vote cannot be easily managed or controlled. And lastly, some people are lazy and indifferent to their duties as citizens, even when good candidates are running and important decisions are to be made.

Professional groups—lawyers, teachers, doctors—and well-to-do people vote in the largest percentages, as do the college graduates. Young people and women seem to vote usually as others in their social-economic group vote. As a matter of fact, families probably vote alike as much because they belong to the same social groups as because they are related. Sentiment in voting may be strong, but sentiment will be pushed aside if people are convinced that by changing their voting habits, they can preserve something they hold dear, or gain something they desire very much. Wherever you find a community that has developed a tradition of good



MAYOR MINGLEDORF AND MRS. MINGLEDORF OF SAVANNAH

These Georgia citizens are casting their ballots in the 1958 city primary election.

government, voter participation is nearly always high. Voters will have to be stirred with some important issue before they will go to the polls in communities which have been controlled by small cliques for years.

The sectional issue and the religious issue influence the voter, probably, to some extent. Certainly sectionalism undergirds the one-party tradition in the South. But it is more striking that various religious groups of modest means in the same section usually vote alike. The people seem to have shed religious prejudices faster than the party leaders have realized.

2. *The Function of Political Parties*

The Two-Party System. In a democracy we realize that people will disagree if they are really free. This does not mean that differences run so deep that peaceful methods of settling disputes cannot be found. If differences are basic,

then democracy, which requires compromises, will be damaged or destroyed. Recognizing that the views of men will vary, democracy provides for and protects groups when they organize into political parties for action. In communist Russia, on the other hand, only one party is permitted—party government is the same as the state government, and severe penalties are dealt to those who depart from the party line.

Thomas Jefferson organized the first mass-based party in history, and all parties found in the United States, Britain, Canada, France, and in other democracies have imitated Jefferson's idea. The two-party system known in this country dates back to the founding of many of the colonies. Americans early learned to think in terms of the "ins" and "outs" and their first legislatures used the rules of the British House of Commons which provided for a "loyal" opposition as well as a "loyal" government. The two parties in the United States have been so busy fighting each other that they pay little attention to the minor parties until they become real threats. People take sides in the same way. The "side show" (third parties) may be interesting to dissatisfied groups, but people have learned from experience that the important decisions are made by two big parties in the center of the ring. Third parties can serve to educate, and they may force major parties to alter their political positions.

The election of one President, a single chief executive, from a national constituency has assisted the United States in maintaining a two-party system. Many believe that the American two-party system would be impossible if it were not for this national election. Every four years this nation conducts the most dramatic election on earth. Only one man can get the powerful office of President; therefore, there is no room for numerous parties. Most groups, at least temporarily, will bury their differences in order to have some voice in nominating and electing the most likely candidates. United States senators and representatives also are elected from single member districts. This also discourages "splinter" parties.

State laws usually make it difficult for third parties to get on the ballot. In truth it is difficult for a second party to get and hold a position of trust and respect in the one-party states of this country. People who finance campaigns are more interested in the individual than in his party, but under any condition they demand a winner. Therefore, splinter or third parties which have little chance of success find money for campaigns hard to obtain. Knowing that our influence is greater that way, most of us choose to work or to vote within one of the major parties. The wise political leader will try to meet any reasonable demand of a group if the demand does not do violence to the leader's basic principles or personal integrity.

As party discipline is at the state level rather than at the national level, the two parties can allow for great differences in views from state to state. The alliance of state parties lasts for the short duration of a national campaign, and good fellowship must keep them together in the interim. Really, what we have is a confederation of state Democratic parties on the one hand, and a confederation of state Republican parties on the other hand.

Because of the even division of the two parties in the nation some southern political leaders talk of organizing a third party in an attempt to maintain a balance of political power between Democrats and Republicans in the hope of securing acceptable compromises on racial segregation and states' rights in general. This was attempted in 1948 by some southern states, but Georgia's political leaders did not push the third party within the state.

3. *Who Can Vote*

Qualifying to Vote. Article II of the Constitution of Georgia is entitled "Elective Franchise." No similar article is found in the Constitution of the United States, for within the limitations of the equal "privileges and immunities" clause of the Fourteenth Amendment, the Fifteenth Amendment, which prevents any state from denying the

right to vote on account of race or color, and the Nineteenth Amendment, which says no person shall be denied the right to vote on account of sex, the determination of suffrage qualifications was left up to each state. Georgia's voting qualifications are as liberal as in any of the states. Until 1955, Georgia was the only state in the Union that permitted eighteen-year-olds to vote. Kentucky now also has an eighteen-year-old voting qualification. In other states the voting age requirement is usually the passage of one's twenty-first birthday.

To qualify to become an elector and to vote in Georgia one must be (1) eighteen years of age by the date of the election, (2) a citizen of the United States, (3) a resident of Georgia for one year and of the county in which he wishes to vote for six months, prior to the date of the election. (4) The voter must swear that he is not registered in any other county or under any other name and that he has correctly answered the questions. (5) He must be legally registered six months before an election in which a vote is cast, and (6) he must satisfactorily answer several questions: Has the voter ever been convicted of treason, embezzlement of public funds, malfeasance in office, bribery or larceny, or moral turpitude? These are what are known as the constant requirements that every voter must fulfill. In addition, one of two alternate requirements must be fulfilled. One must be able to read and write correctly in the English language any section of the Constitution of the United States or of Georgia, or one must be of "good character and understand the duties and obligations of citizenship under a republican form of government." The Voters Registration Act of 1958, prescribes a test for those who cannot qualify by being able to read and write. The test contains thirty questions of information about national, state, and local government. The standard list of questions follows:

1. What is a republican form of government?
2. What are the names of the three branches of the United States Government?

3. In what State Senatorial District do you live and what are the names of the county or counties in such District?
4. What is the name of the State Judicial Circuit in which you live and what are the names of the counties or county in such Circuit?
5. What is the definition of a felony in Georgia?
6. How many Representatives are there in the Georgia House of Representatives and how does the Constitution of Georgia provide that they be apportioned among the several counties?
7. What does the Constitution of Georgia prescribe as the qualifications of Representatives in the Georgia House of Representatives?
8. How does the Constitution of the United States provide that it may be amended?
9. Who is the Chief Justice of the Supreme Court of Georgia and who is the Presiding Justice of that Court?
10. Who may grant pardons and paroles in Georgia?
11. Who is the Solicitor General of the State Judicial Circuit in which you live and who is the Judge of such Circuit? (If such Circuit has more than one Judge name them all.)
12. If the Governor of Georgia dies, who exercises the executive power, and if both the Governor and the person who succeeds him die, who exercises the executive power?
13. (a) What does the Constitution of the United States provide regarding the suspension of the privilege of the writ of *Habeas Corpus*?
(b) What does the Constitution of Georgia provide regarding the suspension of the writ of *Habeas Corpus*?
14. What are the names of the persons who occupy the following State Offices in Georgia?
 - (1) Governor
 - (2) Lieutenant Governor
 - (3) Secretary of State
 - (4) Attorney General
 - (5) Comptroller General
 - (6) State Treasurer
 - (7) Commissioner of Agriculture
 - (8) State School Superintendent
 - (9) Commissioner of Labor
15. How many Congressional Districts in Georgia are there and in which one do you live?

16. What is the term of office of a United States Senator?
17. What is the term of office of State Senator?
18. What is the county site of your county?
19. How does the Constitution of Georgia provide that a county site be changed?
20. What are the qualifications for jury service in Georgia?
21. What are the names of the persons who occupy the following offices in your county?
 - (1) Clerk of the Superior Court
 - (2) Ordinary
 - (3) Sheriff
22. How may a new state be admitted into the Union?
23. On what day and how often is the general election held in Georgia at which members of the General Assembly of Georgia are elected?
24. What does the Constitution of the United States provide regarding the right of citizens to vote?
25. In what Federal Court district do you live?
26. What are the names of the Federal District Judges of Georgia?
27. Who are citizens of Georgia?
28. What is treason against the State of Georgia?
29. In what body does the Constitution of the United States declare that the legislative power granted in such Constitution shall be vested?
30. How many electoral votes does Georgia have in the electoral college?

The county registrars are required by law to keep copies of this test on hand at all times and to make them available to any illiterate person who wishes to register. If the illiterate person can then get someone to read the questions to him and explain the answers, and later, upon examination before the registrars, he can answer correctly twenty of the thirty questions, the law requires that he be permitted to register if he has met the constant qualifications discussed above. Very few Georgians register in this way. Because of the compulsory school law and increased opportunities for adult education, the number of illiterates is declining rapidly. The ability to read and write is recognized as a qualification for voting in eighteen states which have literacy tests.

Secret Australian Ballot

BALLOTState of Georgia
CLARKE COUNTY
November 4, 1958

216th PRECINCT

Nº 2301

FOR ELECTION NOVEMBER 4, 1958
DEMOCRATIC PARTYIf you desire to vote this ticket
so indicate by putting cross (X)
mark in bracket.

()

FOR GOVERNOR
S. ERNEST VANDIVER

FOR LIEUTENANT GOVERNOR
GARLAND T. BYRD

FOR SECRETARY OF STATE
BEN W. FORTSON, JR.

FOR TREASURER
GEORGE B. HAMILTON

FOR ATTORNEY GENERAL
EUGENE COOK

FOR COMPTROLLER GENERAL
ZACK D. CRAVEY

FOR COMMISSIONER OF AGRICULTURE
PHIL CAMPBELL

FOR SCHOOL SUPERINTENDENT
CLAUDE PURCELL

FOR LABOR COMMISSIONER
BEN T. HUET

FOR PUBLIC SERVICE COMMISSIONER
ALLEN CHAPPELL

FOR PUBLIC SERVICE COMMISSIONER
(To fill the unexpired term of James A. Perry, deceased)
BEN T. WIGGINS

FOR PUBLIC SERVICE COMMISSIONER
WALTER E. McDONALD

FOR ASSOCIATE JUSTICE OF THE
SUPREME COURT
BOND ALMAND

FOR ASSOCIATE JUSTICE OF THE
SUPREME COURT
T. S. CANDLE

FOR ASSOCIATE JUSTICE OF THE
SUPREME COURT
T. GRADY HEAD

FOR JUDGE, COURT OF APPEALS
IRA CARLISLE

FOR JUDGE, COURT OF APPEALS
H. E. NICHOLS

For Judge Superior Court Atlanta Circuit
VIRLYN B. MOORE

For Judge Superior Court Atlanta Circuit
CLAUDE D. SHAW

For Judge Superior Court Atlanta Circuit
JESSE M. WOOD

For Judge Superior Court Atlanta Circuit
HENRY H. DURENCE

For Judge Superior Court Augusta Circuit
GROVER C. ANDERSON

For Judge Superior Court Brunswick Circuit
DOUGLAS P. THOMAS

For Judge Superior Court Cherokee Circuit
(To fill the unexpired term of Erwin Mitchell, resigned)
JEFFERSON L. DAVIS

For Judge Superior Court Cordele Circuit
O. WENDELL HORNE JR.

For Judge Superior Court Eastern Circuit
EDWIN A. McWORTER

For Judge Superior Court Flint Circuit
THOMAS J. BROWN, JR.

For Judge Superior Court Griffin Circuit
JOHN H. McGEHEE

For Judge Superior Court Lookout Mountain Circuit
JOHN W. DAVIS

For Judge Superior Court Macon Circuit
OSCAR L. LONG

For Judge Superior Court Macon Circuit
A. M. ANDERSON

For Judge Superior Court Middle Circuit
ROBERT H. HUMPHREY

For Judge Superior Court Northeastern Circuit
O. FRED KELLEY

For Judge Superior Court Northern Circuit
(To fill the unexpired term of Clark Edwards, Jr., deceased)
CAREY SKELTON

Secret Australian Ballot

BALLOTState of Georgia
For Election November 4, 1958
CLARKE COUNTYFOR ELECTION NOVEMBER 4, 1958
REPUBLICAN PARTYIf you desire to vote this ticket
so indicate by putting cross (X)
mark in bracket.This space provided for those counties where there are Re-
publican Party candidates.

FOR ELECTION NOVEMBER 4, 1958

PARTY

If you desire to vote this ticket
so indicate by putting cross (X)
mark in bracket.

This space provided for those counties where there are

Party candidates.

FOR ELECTION NOVEMBER 4, 1958
INDEPENDENT PARTYIf you desire to vote this ticket
so indicate by putting cross (X)
mark in bracket.This space provided for those counties where there are In-
dependent Party candidates.**Constitutional Amendments**

If you desire to vote FOR an Amendment, place cross mark (X) in the bracket opposite the word "For."

If you desire to vote AGAINST an Amendment, place cross mark (X) in the bracket opposite the word "Against."

() FOR ratification of amendment to the Constitution so as to provide for Homestead exemption for certain disabled veterans.

1 () AGAINST ratification of amendment to the Constitution so as to provide for Homestead exemption for certain disabled veterans.

() FOR ratification of amendment to authorize the Board of Regents of the University System of Georgia to grant scholarships to qualified students lacking funds to pursue their education.

2 () AGAINST ratification of amendment to authorize the Board of Regents of the University System of Georgia to grant scholarships to qualified students lacking funds to pursue their education.

() FOR ratification of amendment to authorize State Departments and State Agencies to disburse State funds to match Federal funds in order to provide qualified employees with graduate or post-graduate educational scholarships, and for use in other Federal Education Programs.

3 () AGAINST ratification of amendment to authorize State Departments and State Agencies to disburse State funds to match Federal funds in order to provide qualified employees with graduate or post-graduate educational scholarships, and for use in other Federal Education Programs.

() FOR ratification of amendment of Article VII, Section VII, Paragraph V, of the Constitution authorizing any county, municipal corporation, or political subdivision to issue revenue certificates from time to time for the purchase, sale and lease of buses, trolleys and other transit equipment and properties used by, or useful for, street railroads and motor common carriers.

9 () AGAINST ratification of amendment of Article VII, Section VII, Paragraph V, of the Constitution authorizing any county, municipal corporation, or political subdivision to issue revenue certificates from time to time for the purchase, sale and lease of buses, trolleys and other transit equipment and properties used by, or useful for, street railroads and motor common carriers.

() FOR ratification of amendment to the Constitution so as to authorize the payment of One Hundred Thousand (\$100,000.00) Dollars to the first person, firm or corporation developing a practical method for eradicating the boll weevil at a reasonable cost.

10 () AGAINST ratification of amendment to the Constitution so as to authorize the payment of One Hundred Thousand (\$100,000.00) Dollars to the first person, firm or corporation developing a practical method for eradicating the boll weevil at a reasonable cost.

() FOR ratification of amendment to the Constitution so as to authorize certain political subdivisions of the State to establish colleges.

11 () AGAINST ratification of amendment to the Constitution so as to authorize certain political subdivisions of the State to establish colleges.

PART OF A GEORGIA STATE BALLOT

There are several things you should note about the above ballot. First, it is a "long ballot," as many executive and judicial candidates appear on it. Second, it is a "party column" ballot, as all candidates listed in the left column are Democratic nominees. Note also provisions for write-in votes.

The New York literacy test is one of the highest and probably the best known. It was passed because of the number of foreign-born citizens and their descendants in that state who have not had an opportunity to become familiar with the English language. Briefly stated, the New York law requires a certificate of completion of the eighth grade or the successful passage of an examination on the fifth grade level. The test is administered by the state department of education at the schoolhouse, and not by election officials.

Certain classes of persons in Georgia are excluded from voting and from holding public office. They are idiots and insane persons, and persons convicted of a crime punishable by penitentiary imprisonment, unless such person has received a pardon. The giving of false information to registrars will be cause for rejection and a cause for challenge. Registrars' decisions are subject to appeal to be tried in the superior court.

4. *Boards of Registrars*

Each county has a board of three registrars appointed by the superior court judge from among six "upright and intelligent citizens" whose names have been submitted to him by the grand jury. Their appointments are for four-year terms. The tax collector, or tax commissioner, is a deputy of the board, and registration records are kept in his office or in the office of registrars if separate offices are maintained. The chief registrar is chairman and paid by the county not less than ten dollars for each day of service. Others receive not less than \$7.50 for each day of service. In counties of more than 400,000 people, the tax collector or tax commissioner and two deputies, appointed by the collector or commissioner, constitute the county board.

5. *How One Registers to Vote*

When you are eighteen (or if your eighteenth birthday will come before the first election in which you wish to vote), not later than six months before an election, you should go

to the office of the county registrar in your county courthouse. There, if you have answered the questions as to eligibility satisfactorily and have taken the prescribed oath, a registrar will accept your application and make out a registration card. Legally you do not become a qualified elector until the board meets, examines you, and puts your name on the registration list. Fulton County (Atlanta) has announced that the board will sit each day, thus eliminating the necessity of two trips in order to register. Other boards will doubtless follow this practice near the closing date. It should be pointed out here that registration described above entitles you to vote in national, state, and county elections and primaries. If, however, you wish to vote in your town or city elections and primaries, and most of you certainly will, you must go to your city hall and get your name on the city voting lists also. This is very simple, and usually the mere statement that you are a registered voter in the county is enough. Once registered a voter is, under the present laws, permanently registered except as explained below.

Voting Lists Revised. Because of deaths, removals, and disqualifications, it is difficult to keep voting lists accurate. The Voters Registration Act of Georgia of 1958 provides means for revising lists and keeping them up-to-date before each election. The tax collector or tax commissioner of each county is charged with suspending the registration of any person who has failed to vote in any election for a period of two years. A voter thus suspended before March 1 of the year is given until April 1 to apply for continuation of his registration; he must then go through the process of re-registration.

In addition to removing the names of non-voters, there are other methods of revising the registration lists. In each county the clerk of court must submit to the registrars by April 20 each year the names of persons disqualified for crimes. The ordinary must file a list of those disqualified for idiocy or insanity. The local official who keeps vital statistics files a list of qualified voters who have died during

CONGRESS

PRECINCT RETURNS

STATE OF GEORGIA

County.

All and each of us do swear, That we will faithfully superintend this day's election; that we are Justices of the Peace, Notaries Public, Ordinary or Freeholders (as the case may be) of this County; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so, according to the laws of this State, nor knowingly prohibit any one from voting who is so entitled by law; and will not divulge for whom any vote was cast unless called on by law to do so. So help me God.

Sworn to and subscribed before me, this 4th day of November, 1958.

JUSTICE OF THE PEACE.

SUPERINTENDENTS.

STATE OF GEORGIA

County.

By virtue of the Statute in such cases made and provided, an election was held on the 4th day of November, 1958, at..... in the County of
for a Member of the Eighty-Sixth Congress, from the..... District of Georgia,
and we, the Superintendents, do hereby certify that upon counting the votes polled, the following is the result:

DEMOCRATIC PARTY—

DISTRICT

Received.....Votes.

REPUBLICAN PARTY—

DISTRICT

Received.....Votes.

INDEPENDENT PARTY—

DISTRICT

Received.....Votes.

PARTY—

DISTRICT

Received.....Votes.

Which will fully appear by reference to the enclosed Tally Sheets.

Given under our hands and official signatures, this 4th day of November, 1958.

Superintendents.

DIRECTIONS

The Superintendent of the Precinct must send the foregoing certificate, properly filled and all other papers of the election, including the ballots, under seal, to the County site, in charge of one of their number by twelve o'clock meridian of the next day.

ONE OF THESE RETURNS MUST BE MAILED TO THE GOVERNOR, ATLANTA, GA., AND THE OTHER FILED WITH CLERK OF SUPERIOR COURT.

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A COPY OF THE FORM PREPARED BY AN ELECTION PRECINCT

For voting purposes Georgia is divided into precincts or militia districts. In all primaries and elections, the votes are tabulated in these precincts first and then carried, under seal, to the county site. Note also that one copy of precinct returns must be mailed to the governor. The above is a tabulation of the votes for congressmen alone. Other officers are listed on additional returns forms.

the year preceding April 15. All these reports must be in the hands of the board of registrars not later than April 20 of each year. Despite these precautions, it is impossible to keep voting lists entirely accurate, but great progress has been made. Registration lists in most counties are in an especially poor condition at present. Cumbersome changes in the law left the counties with two official voting lists and many names are duplicated on these lists. It may take some time to erase duplication of names as counties do not wish to incur the expense involved.

A State Registration and Election Information Board, composed of the governor, attorney general, and the secretary of state, assists and advises local registrars. The state board shall provide for seminars and meetings for instructing local registrars. This state board can employ an executive director.

6. Political Parties in Action in Georgia

In Georgia, as in the other states, the voters cast their votes for the candidates of the political party which they support at least for a given election. Since 1876, Georgians have been predominantly Democratic, and Georgia is the only state in the Union which has never given its electoral vote in a presidential election to a Republican candidate. With few exceptions, the Democratic nomination at all levels, from local to national, has been necessary for election. In 1928, however, many Georgians voted for President Hoover as against Governor Al Smith; and the large Georgia vote for President Eisenhower in 1952 and 1956 has encouraged the Republican party in the state, which, previously, had been small and plagued with factionalism. Eisenhower carried eleven counties in 1956, and in ten other counties his vote was over 45 per cent. However, in 1952, the percentage of the majority vote cast for Governor Stevenson was the greatest of any state in the Union.

Parties in Georgia, as in other states, are regulated somewhat by state law; but, within reasonable bounds, they determine their own organizations and policies.

7. *The Democratic Party in Georgia*

The State Democratic Convention. The highest authority in the Georgia state Democratic party is the state convention which assembles in Macon every four years, shortly after a governor has been nominated in the primary. It should be recalled here that Georgia does not elect its governor in presidential election years, but in the even years between presidential elections. Theoretically, the state convention is made up of 410 delegates, a number equal to the total of county unit votes in the state. Actually, however, most of the counties send several delegates for each vote to which they are entitled, and the convention membership runs into the thousands. The state convention meets in October and formally nominates the candidates for governor and other officials to be elected by a state-wide vote in November; but, in so doing, it is only ratifying the results of the primary that has already been held. It also adopts the platform of the party for the general election. This, again, is only a formality, as the platform for the party in the general election is simply the platform on which the successful nominee ran in the primary. Again, it should be remembered that national party conventions meet to nominate candidates. The state Democratic convention in Georgia meets after the nominee has been selected; this is true of both major parties in most states.

The convention has the authority to make all rules regarding party primaries as long as they do not conflict with Georgia laws. Since each candidate for governor has the right to select the delegates from each county that he carried in the primary, the majority of the convention is always made up of the nominee's friends and supporters. In fact, in recent years, the unsuccessful candidates have often asked their successful competitors to select their delegates also; therefore, almost complete agreement exists among the convention delegates.

The State Democratic Executive Committee. The nominee for governor selects the officers of the state Democratic

Executive Committee to serve for the next four years. They are a chairman, five vice-chairmen, a secretary, an assistant secretary, and a treasurer—nine in all. The chairman, after advising with the nominee, selects from the state at large sixty members for this committee. The convention elects sixty additional members, six from each of the ten congressional districts into which the state is divided. These members are nominated by the delegates to the convention from the congressional districts. The total membership of the state executive committee is thus 129. This committee has extensive powers over the rules of the party and party primaries. It is limited in its rule-making powers only by state law and the rules of the convention.

Except on those rare occasions when a Democratic presidential primary is held in Georgia, the state's executive committee selects the delegates and alternates to the national Democratic convention. For the 1956 convention, Georgia was allotted thirty-two votes as follows: four from the state at large, two for each senator; four from the state at large as a bonus for having gone Democratic in the 1948 presidential election; four additional from the state at large for having voted Democratic in 1952; and two delegates from each of the ten congressional districts in the state. Since the Democratic rules permit half votes, the thirty-two votes of the state were cast by sixty-four delegates. For each delegate an alternate is permitted; thus Georgia sent a large delegation to the national convention.

Congressional District Committees. Georgia is divided into ten congressional districts. The Fifth Congressional District is comprised of only three counties, Fulton, Dekalb, and Rockdale, but it is the largest in population—764,600 in 1957. Since the other nine districts represent 156 counties, it will be readily seen that most of them have sixteen or more counties. The congressional district committees, therefore, vary in size as each has in its membership committeemen equal to the county unit vote of all the counties in the district. The county unit vote will be explained in detail later in this chapter, but remember that it is based on

BALLOT

State of Georgia Democratic
Primary

CLARKE COUNTY

Sept. 10, 1958

Nº 14004

216TH PRECINCT

BALLOT

State of Georgia Democratic
Primary

CLARKE COUNTY

Sept. 10, 1958

Prepared in accordance with the Rules of the
State Democratic Executive Committee.

Erase or mark out the names of those
for whom you do not vote.

FOR GOVERNOR

(Vote for One)

LEE ROY ABERNATHY
WILLIAM T. BODENHAMER
ERNEST VANDIVER

FOR LIEUTENANT GOVERNOR

(Vote for One)

C. J. BROOME
GARLAND T. BYRD
W. COLBERT HAWKINS
JOHN D. ODUM
HOWELL (H. E.) SMITH, JR.

FOR SECRETARY OF STATE

(To succeed Ben W. Fortson, Jr.)
BEN W. FORTSON, JR.

FOR TREASURER

(To succeed George B. Hamilton)
(Vote for One)

GEO. B. HAMILTON
C. F. SWINT, SR.

FOR ATTORNEY GENERAL

(To succeed Eugene Cook)
EUGENE COOK

FOR COMPTROLLER GENERAL

(To succeed Zack D. Cravey)
(Vote for One)

W. RALPH BUICE
ZACK D. CRAVEY
BRUCE EDWARDS
JIMMY S. ELLIOTT

FOR COMMISSIONER OF AGRICULTURE

(To succeed Phil Campbell)
PHIL CAMPBELL

FOR SCHOOL SUPERINTENDENT

(To succeed Claude Purcell)
CLAUDE PURCELL

FOR LABOR COMMISSIONER

(To succeed Ben T. Huiet)
BEN T. HUIET

FOR PUBLIC SERVICE COMMISSIONER

(To succeed Allen Chappell)
ALLEN CHAPPELL

FOR PUBLIC SERVICE COMMISSIONER

(To succeed Ben T. Wiggins)
(Vote for One)
CHARLIE M. REDWINE
BEN T. WIGGINS

BALLOT

State of Georgia Democratic
Primary

CLARKE COUNTY

September 12, 1956

Nº 15603

216TH PRECINCT

BALLOT

State of Georgia Democratic
Primary

CLARKE COUNTY

September 12, 1956

Prepared in accordance with the Rules of the
State Democratic Executive Committee

Mark through the names of those for
whom you do not vote.

FOR UNITED STATES SENATOR

(To succeed Walter F. George)
(Vote for One)

HERMAN EUGENE TALMADGE
M. E. THOMPSON

FOR PUBLIC SERVICE COMMISSION

(To succeed Matt L. McWhorter)
MATT L. MCWHORTER

**FOR ASSOCIATE JUSTICE
SUPREME COURT**

(To succeed W. H. Duckworth)
W. H. DUCKWORTH

**FOR ASSOCIATE JUSTICE
SUPREME COURT**

(To succeed Lee B. Wyatt)
LEE B. WYATT

FOR JUDGE COURT OF APPEALS

(To succeed B. C. Gardner, Incumbent)
(Vote for One)

B. C. GARDNER
HUGH G. HEAD, JR.

FOR JUDGE COURT OF APPEALS

(To succeed Joseph D. Quillian)
JOSEPH D. QUILLIAN

FOR UNITED STATES REPRESENTATIVE IN
CONGRESS FROM THE TENTH CONGRES-
SIONAL DISTRICT OF GEORGIA
PAUL BROWN

FOR SOLICITOR GENERAL OF THE WESTERN
JUDICIAL CIRCUIT
D. MARSHALL POLLOCK

FOR STATE SENATOR FROM THE
FIFTIETH DISTRICT
JULIAN H. COX, SR.

FOR REPRESENTATIVE IN THE GENERAL
ASSEMBLY FROM CLARKE COUNTY,
POST NO. 1
(Vote for One)

GRADY PITTARD, JR.
ROBERT G. STEPHENS, JR.

FOR REPRESENTATIVE IN THE GENERAL
ASSEMBLY FROM CLARKE COUNTY,
POST NO. 2
CHAPPELLE MATTHEWS

THE GOVERNMENT OF GEORGIA

CITIZENS AND POPULATIONS OF VOTING AGE, GEORGIA,
ADJACENT STATES, AND UNITED STATES
IN THOUSANDS

State	Citizens 21 years of age and older				Civilian population 21 years of age and older	
	1920	1930	1940	1950	1952	1956
Georgia	1,415	1,494	1,769	2,176 ²	2,152 ¹	2,202 ¹
Alabama	1,136	1,343	1,555	1,744	1,720	1,742
Florida	514	833	1,188	1,791	1,964	2,327
North Carolina	1,203	1,539	1,025	2,305	2,301	2,447
South Carolina	777	818	990	1,148	1,159	1,222
Tennessee	1,208	1,414	1,703	1,973	1,976	2,042
United States	54,419 ³	67,289	79,863	94,974 ²	98,133	102,743

¹As of November 1, figures for Georgia 1952, and for Georgia and Kentucky for 1956, relate to civilians 18 years old and older.

²Figures for Georgia, where minimum voting age is 18, includes all persons (172,441), citizens and non-citizens, 18-20 years of age.

³1920 state figures include foreign-born Negroes (not naturalized) excluded from U. S. totals, but excludes native-born, of all other non-white races included in the U. S. totals.

Source: U. S. Department of Commerce, Bureau of Census, Statistical Abstract of the United States, 1957, and Bureau of Business Research, University of Georgia, 1958.

twice the membership of the House of Representatives of the General Assembly. These committees, subject to state law, rules of the convention, and rules of the state executive committee, make rules for the conduct of primaries for the nomination of congressmen.

State Senatorial District Committees. Georgia has fifty-four state senatorial districts. Fifty-two of them are made up of three counties each. One has two counties, Chatham and Effingham; and Fulton County is a senatorial district by itself. Each senatorial district committee is composed of members equal to the county unit vote of each of the counties making up the district. Its members are elected by the county committees in the district. These committees make rules for the conduct of state senatorial primaries.

County Committees. There are 159 county Democratic committees in Georgia, one for each county in the state. These committees vary in size, as they are based on at least one member from each militia district in the county, with, in most cases, representation of any town or cities in the county based on their population. County committee members are elected by the voters in primaries. Notice that this is the only committee elected by the rank and file of the voters. These committees are of great importance. They make rules

for the county primaries for the election of county officers and members of the House of Representatives of the General Assembly; they determine entrance fees for candidates; and, in most cases, they determine the rules and set the date for municipal primary elections within the county.

Municipal Committees. Only a few Democratic municipal committees are selected in Georgia because, as indicated above, the county Democratic committee makes the rules for the conduct of municipal primaries, with the exception of large city areas.

8. Republican Party Organization in Georgia

The State Convention. Like the Democratic party the state Republican convention, which assembles in presidential election years, is the body of supreme authority over the party organization in Georgia. While the Republican party for many years was loosely organized and its major activity was devoted to selecting delegates to the Republican national convention, it is today much more active. In 145 of the 159 counties of Georgia, county conventions were held and county committees were elected in 1956. The state convention was composed of 581 delegates. Each county was entitled to one delegate, with one additional for each five hundred Republican votes cast in the 1952 election and a bonus of five additional delegates for those counties which cast a majority of Republican votes in this election. On this basis delegates from the counties to the state convention ranged from one to seventeen. The Republican convention elects the twelve officers of the state central committee and the four delegates at large to the national convention.

The State Central Committee. The state central committee corresponds to the state executive committee of the Democratic party but is somewhat larger, having a total membership of 145. It is made up of twelve officers elected by the state convention, the Republican national committeemen and national committeewomen as ex-officio members, and 131 members who are elected by congressional district

conventions. Members are allotted in proportion to Republican votes in the last election; in 1956 the members ranged from seven to thirty-five within the ten congressional districts.

Congressional District Committees. In presidential years the Republican party holds congressional district conventions in each of the ten districts in Georgia. These conventions select the district committees and delegates to the state convention. Since the Republican party in Georgia does not hold primaries for the nomination of candidates, if it wishes to nominate candidates for state and local offices, it does so in the appropriate convention. In the past, except for presidential electors in presidential election years, only a few Republicans have offered for election in the general elections.

County Committees. County conventions are held by the Republican party in Georgia in each county in which the party is organized. These conventions are in the nature of mass meetings to which all interested persons are invited. The county convention elects a county committee and delegates to congressional district conventions and to the state Republican convention. In 1956, Georgia was given twenty-three delegates to the national Republican convention. Four of them from the state at large were elected by the state convention. Nineteen, two each from nine congressional districts and one from the tenth, were elected by district conventions. An equal number of alternates were chosen. The Republican formula for membership in the national convention is as follows: Four delegates from each state at large; one from each congressional district that cast two thousand Republican votes in the last election, and one additional from each congressional district that cast ten thousand Republican votes in the last election; a bonus of six if the state went Republican. Of course, Georgia did not get this bonus, but it should be noted that every congressional district cast two thousand or more Republican votes for President Eisenhower and nine of the ten congressional districts cast more than ten thousand Republican votes.

9. *Democratic Primaries*

At all levels—militia district, municipal, county, state senatorial districts, judicial circuits, and state—it is customary for the Democratic party in Georgia to hold primaries for the nomination of its candidates in the general election. These primaries, however, must be paid for by party funds and not from public funds. Any qualified voter, who accepts the obligation to support the party's candidate in the general election, is permitted to vote in these primaries. Generally, primaries are held for all state and county officers in September of even years, and the general election is set by law on the Tuesday following the first Monday in November in these years. Municipal primaries and elections, however, may be held every year, and they do not coincide with state and county primaries and elections.

10. *The County Unit Vote*

Since 1917, and the passage of the Neill Primary Law, all parties which nominate candidates in primaries for governor, United States senator, justices of the Supreme Court, and judges of the court of appeals, must do so under the County Unit System. The congressional district Democratic committees may also hold primaries for members of Congress under this system. As has been mentioned above, the Republican party in Georgia does not hold primaries, but nominates, on the few occasions when candidates for these offices are nominated, in conventions. The County Unit System, therefore, does not apply to the Republican party or to general elections.

Simply stated, the County Unit System is based upon membership in the House of Representatives of the General Assembly, and there are throughout Georgia 410 county unit votes. The House of Representatives has 205 members. Each county is entitled to twice the number of county unit votes, as it has members in the House of Representatives. Thus the eight largest counties with three members each in

the House, have six county unit votes. The next thirty largest counties, with two members each, have four county unit votes. The 121 remaining counties have two county unit votes each. In order to be nominated for governor or United States senator, a candidate must have a majority which is at least 206 county unit votes. In the event there are more than two candidates for these offices and none receives a majority of county unit votes, a run-over primary between the two leading candidates must be held. In the event of a tie between two candidates the one with the larger number of popular votes is declared the nominee. For all offices other than governor and United States senator only a plurality of county unit votes is required. Plurality, in this instance, means more than anyone else, as contrasted with majority, which means at least one more than half the votes cast. Within the county all the unit votes go to the person having the plurality of popular votes. This system has long been controversial. The larger counties argue that they are underrepresented. It is also pointed out that under this system a candidate may be nominated who has not received a majority of popular votes. The opponents also contend that it is practically impossible to secure any significant change in state policy under this system as the same group runs the state year in and year out. Only a few jobs change hands each four years. On the other hand, those who favor the system argue that it is necessary to

THE UNIT VOTE IN GEORGIA

Counties	Representatives each county has in the Georgia House of Representatives by size of county	Unit votes as- signed each county by size of county	Total unit votes for large counties 30 next in size and 121 smallest
8 largest	3	6	48
30 next in size	2	4	120
121 smallest	1	2	242
159 Total counties	—	—	410 Grand total of unit votes

protect the small counties from domination by the counties containing large cities. Though no unanimity is shown among Georgians on this subject, the county unit system is likely to prevail in Democratic primaries for some time. The voters, however, on two occasions, in 1950 and 1952, voted down constitutional amendments which would have made the county unit vote mandatory for both primary and general elections. It is now mandatory in primaries by statutory law.

11. *The Australian Ballot*

In Georgia, in both primaries and general elections, the Australian ballot is now used. This is a secret ballot, and the law requires that booths be provided so that the voter can mark his ballot in privacy. In some of the larger cities voting machines are used, by means of which the voter can, by pressing buttons or pulling levers, record his vote for the candidates of his choice. The principle of the Australian ballot prevails when voting machines are used, as they are in booths; and once the vote is cast, a ballot cannot be identified.

ACTIVITIES AND QUESTIONS

1. List what you consider to be reasons for the small vote in Georgia elections.
2. What issues influence voters? Which influences do you think are strongest among the people you know?
3. List all the reasons you can find which help to account for our two-party system in the United States.
4. How old must you be to vote in a general election in Georgia? Is it possible to vote in a Democratic primary at the age of 17 years?
5. How does a citizen qualify to vote in Georgia? Who is excluded from voting in Georgia?
6. How do Georgians register to vote in county and state primaries and elections? City primaries and elections? How can illiterates earn the right to register in Georgia?
7. The state Democratic convention ratifies the results of the Democratic primary, held earlier. What does this mean?

8. How is the State Democratic Committee selected in Georgia? Who selects the delegates to the Democratic National Convention?
9. Who selects the Democratic congressional district committee? State Democratic senatorial district committee? Democratic county committee?
10. Do the Republican conventions and the Republican committees seem to be selected in a more democratic manner than the Democratic convention and committees in Georgia? How are Georgia Republican delegates selected to the national presidential convention?
11. List all the arguments, pro and con, you can think of concerning the county unit system.
12. What is the Australian ballot?

FOR FURTHER STUDY

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Chapter X

THE COST OF GOVERNMENT

1. *Why Governments Spend Money*

Increase in State-Local Spending. Walter H. Hiller in an article, "Financing State-Local Government in an Age of Expansion,"¹ mentions that from 1920 to 1945, the state-local share of the total government costs dropped from nearly four fifths to one fifth of the total. World War II, of course, was largely the cause, since state-local spending was at a low ebb. After the war, local problems mounted. Public projects, which had been postponed, had to be promoted; welfare and education services had to be expanded rapidly because of a new social perspective on the part of the people; slums were no longer looked upon with complacency; the flight of city people to the suburbs demanded extension of services outside the city. As local problems mounted, expenditures rose.

State-local expenditures rose from \$12,400,000,000 in 1946, to \$40,200,000,000 in 1956, and the gross debt rose from \$16,000,000,000 to \$49,000,000,000. Both classifications more than tripled, while the Federal Government's cash expenditures were doubling (\$36,900,000,000 to \$78,300,000,000) between 1947 and 1957. The federal gross debt advanced from \$258,300,000,000 in 1947 to \$270,600,000,000 in 1957. Revenues tell the same story: almost tripling for the state-local governments (\$13,200,000,000 to \$33,000,000,000), and almost doubling for the Federal Government (cash receipts \$43,500,000,000 to \$81,700,000,000).

Since World War II the state and local governments, along with the central government, have carried a heavy load.

Georgia's bonded state debt is limited by the Constitution to an emergency authorization of \$4,000,000, and

¹See *State Government*, July, 1957, Vol. 30, No. 7.



HEADQUARTERS GEORGIA DEPARTMENT OF LABOR,
STATE LABOR BUILDING, ATLANTA, GEORGIA

\$3,500,000 of that can be raised only for one year to pay school teachers. This provision grew out of the depression years when school teachers went for some time without pay. However, according to the Tax Foundation, Inc., a non-profit organization, in 1957 Georgia ranked sixteenth among the states in amount owed when obligations of public authorities were included. According to this same source, Georgia ranked tenth in non-guaranteed debt.

Local governments sometimes use open accounts to avoid the necessity for borrowing, but the amount owed under this method of financing is not known. More important, however, is the recent practice of using authorities (School Building Authority, University System Building Authority, State Office Building Authority) to borrow large sums for public purposes by committing future revenue and appropriations. The borrowing limit is often raised. The 1957 General Assembly raised the borrowing limit of the Farm Market Authority from \$8,000,000 to \$12,000,000. The School Building Authority may borrow up to \$200,000,000.

CURRENT INDEBTEDNESS OF AUTHORITIES, NOVEMBER, 1958

State School Building Authority	\$122,845,000
University System Building Authority	16,707,000
Total Education	<u>\$139,552,000</u>
Rural Road Authority	\$ 99,943,000
Free Bridge Authority	21,773,000
Toll Bridge Authority	5,682,000
Toll Roads and Bridges	<u>\$127,398,000</u>
Farmers Market Authority	\$ 9,775,000
State Hospital Authority (Augusta)	7,727,000
State Office Building Authority	10,565,000
State Ports Authority	5,200,000
Total	<u>\$ 33,267,000</u>
Grand Total	<u>\$300,217,000</u>

As the bonds are selling at a relatively low rate of interest, the market indicates confidence in this type of financing. Apparently this is not a legal bonded obligation of the state, but many feel that the state would have a moral obligation if an authority experienced financial difficulties. Together these authorities are borrowing millions of dollars; but some of the public services provided, like the Jekyll Island Authority, eventually are supposed to provide fine public facilities without cost to the state. All are self-liquidating. Cities and counties are also creating public authorities for financing needed facilities.

The American public spends \$19,000,000,000 a year on automobiles, \$8,000,000,000 a year on whiskey, and only \$5,000,000,000 a year on schools. Therefore, although large public expenditures may look frightening, it may be that we are spending less of the total national income on essential services than we were a few years ago. While university enrollments were doubling from 1932 to 1950, the amount of the national income spent on all types of universities dropped from 1 per cent to $\frac{1}{2}$ per cent of the total national income, a reduction of 50 per cent.



MUNICIPAL TAX STUDY COMMITTEE MEETS IN MACON, GEORGIA

2. State Revenue and the Cost of Government

State governments, like all other governments, are dependent upon their citizens to supply the funds necessary to carry out governmental services. Several factors determine the amount of revenue a state needs. One of these factors is, of course, the value of the dollar. Since the purchasing power of the dollar today is about half of what it was in 1930, naturally it takes more dollars to pay salaries and the other expenses of government. However, the greatest demands on state revenue are the vastly increased services the states perform. For instance, in the ten-year period, 1942-1952, the expenditures of all the states rose from slightly more than \$7,000,000,000 to nearly \$18,000,000,000. In 1957, expenditures reached nearly \$25,000,000,000, or \$149.64 per capita. Keep in mind that a billion is one thousand million. Georgia's revenue and expenditures increased in

proportion from approximately \$43,000,000 dollars in 1943, to more than \$139,000,000 in 1951. But, as will be shown later, the greatest increase in Georgia revenue has come since 1951. In the fiscal year ending June 30, 1957, the revenue amounted to \$115.13 per capita, or person.

When Georgia first became a state, its government was very simple. A few low-salaried state officials, a small legislative body, and a few courts comprised the governmental organization. The state provided few services. It operated no schools and built no roads. Social security was unknown, and health, recreation, and business relationships were individual problems. Taxes were very low, for little revenue was needed.

In 1852, the ad valorem (according to value) general property tax was introduced in Georgia and became the principal source of state revenue. It was assessed on all property at the rate of 5 mills, or one half of one per cent, on property valuations. The total revenue of the state in that year was \$304,961, which amounted to 31 cents per



A SECTION OF THE GEORGIA SENATE

The legislature has the responsibility of raising the money for our government and the wise spending of it.

capita for the approximately one million people then living in Georgia. Of this small amount of revenue 93 per cent was spent for what we call general government, or to pay salaries of executive, legislative, and judicial officials. Nothing was spent for roads or public health, and only \$20,194 went to education. Even by 1901, when state tax revenue had increased to \$3,185,962 which was \$1.43 per capita, still nothing was being spent for public health or highways, but education was receiving 44.5 per cent of the total. As our lives became more complex with the coming of the machine age and many modern inventions, with increasing health problems, transportation problems, educational problems, and many other problems, and with the growth of cities, it became evident that more revenue was needed. It was also realized that no longer could property, especially real estate, houses and land, carry the major burden of taxation. Other sources of revenue had to be devised. A glance at the chart below will indicate the changes in Georgia revenue at intervals during the past one hundred years.

YEAR	TOTAL STATE REVENUE	PER CAPITA
1852	\$ 304,961	\$.31
1880	1,222,000	.80
1901	3,185,962	1.43
1936	30,160,056	9.56
1955	345,514,527	100.30
1957	436,917,606	115.13 (1957 census)
		or
		\$126.84 (1950 census)

The general property tax, once, as indicated above, the principal item of revenue, has practically been abandoned as a source of state revenue, but still constitutes the major source of revenue for the counties and the cities in Georgia. Important new sources of tax revenue in order of their importance will be discussed below.

General Sales Tax. In 1951, the General Assembly passed a general sales tax the rate of which is 3 per cent on practically all retail sales. This tax became effective on



A CITY COUNCIL BUDGET HEARING

April 1, 1951, and since that time it has been the largest single source of revenue. In the fiscal year ending June 30, 1957, collections on this tax amounted to \$127,982,520.78, which was nearly one third of the total state revenue and represented \$37.15 for each person in Georgia based on the 1950 census. As is shown by the chart depicting Georgia revenue receipts, in addition to the general sales tax, Georgia has several other sales taxes.

Motor Fuel Tax. The second largest source of tax revenue is a 6½-cent sales tax on every gallon of gasoline and fuel oil sold. This tax was first levied in 1921, at one cent per gallon, but has been increased several times. It has always been an efficient tax; that is, it has brought in a large amount of revenue at a relatively low cost of collection, and in 1956-57, it amounted to \$75,518,789.16. This was \$21.93 per capita and 17.28 per cent of all revenue collected.

Income Tax. The Georgia income tax law was first passed in 1929. It follows somewhat the federal income tax laws, but exemptions are higher and the graduated tax scale



INTERCHANGE AT BROOKWOOD STATION IN ATLANTA

The Federal Government helps provide money to build necessary highways such as this one.

is lower. It rises from 1 per cent on taxable income of \$1,000 to \$2,000 to 7 per cent on incomes above \$20,000 a year. In 1954-55, this tax amounted to \$26,685,103.73 or \$7.74 per capita. The revenue from this tax then increased sharply in 1956, as, for the first time, in 1955, Georgians were not allowed deductions on state income tax for payments on federal income tax.

In the year ending June 30, 1957, the income tax revenue rose to \$47,832,656.96. This was 11 per cent of all revenue for the state and amounted to an average tax of \$13.89 per person.

Taxes on Alcohol. In addition to the general sales tax, special consumer taxes have been placed on certain commodities. Although in 1954 only twenty-seven of Georgia's 159 counties permitted the sale of whiskey and other beverages of high alcoholic content, eighty permitted the sale of wine and 122 the sale of beer. The tax revenue from these sources in 1956-57, amounted to \$10,640,851.14 from alcoholic beverages (whiskey), \$7,330,734.71 from beer, and \$1,628,173.12 from wine. This was a total from alcoholic drinks of \$19,599,758.97.

Cigar and Cigarette Tax. The cigar and cigarette tax dates from 1923, and in 1954-55 it amounted to \$10,557,951.74 in state revenue. This was \$3.07 per capita. Revenue from this tax increased in 1955-56, as the General Assembly in 1955 increased this tax rate. For the year ending June 30, 1957, it amounted to \$16,840,112.75 or \$4.89 per person.

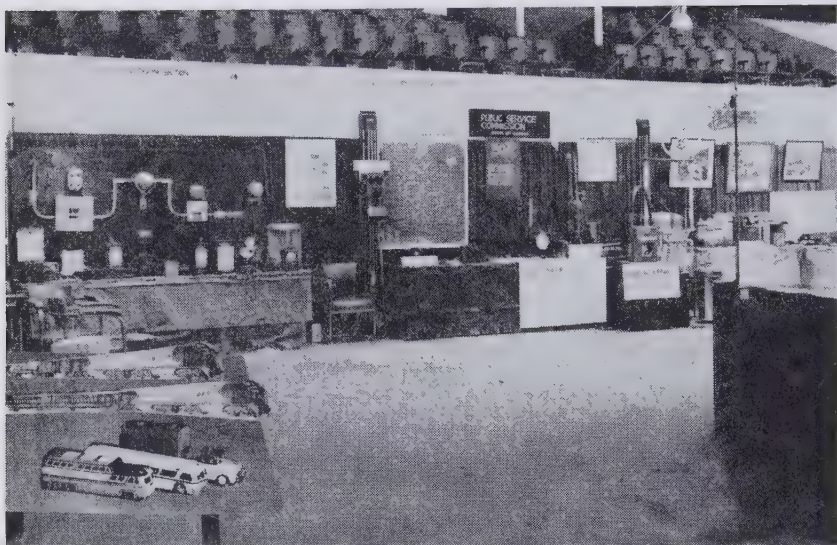
Motor Vehicle Tax. In the fiscal year ending June 30, 1957, Georgia collected \$14,107,374.80 from its citizens from the motor vehicle tax which represents the amount paid for automobile tags.

Insurance Premium Tax. In 1957, the insurance premium tax amounted to \$8,256,073.93. This 2 per cent tax is levied on insurance premiums paid to insurance companies by Georgia citizens.

Other Taxes. Georgia levies other taxes, such as general property tax, utility property tax, estate or inheritance tax, kerosene tax, business license tax, and hunting and fishing license tax. None of these taxes, however, bring in as much as \$1,000,000 in revenue and cannot be considered a major source. The total tax revenue for the year ending June 30, 1957, was \$317,902,064.26 and amounted to \$92.29 for every person in Georgia.

3. Non-tax Revenue

Grants from the United States Government. Georgia, in common with other states, has revenue sources other than the taxation of its citizens. The largest source of non-tax



AN EXHIBIT PREPARED BY THE PUBLIC SERVICE COMMISSION

The boards and commissions of the executive department require large sums of money to provide the services desired by the people.

revenue, second only to the sales tax as the largest single source of revenue either tax or non-tax, is grants from the United States Government. In 1957, federal grants amounted to \$84,500,769.07, or \$24.53 for every person in Georgia. Well over half of this amount, \$52,849,966.79, was for public assistance and relief and went to the welfare agencies of Georgia. The next largest item was \$14,458,665.79 for highways. Education received \$6,958,940.61; health agencies, \$5,516,483.79; and agricultural development, \$4,716,712.62.

Only fourteen or fifteen states of the United States in recent years have received more in federal aid than Georgia. Georgia ranks about 39th in total income so that this aid equalizes governmental services to some extent. Georgia ranks about 14th among the states in population.

This federal aid does not include the amounts expended in the maintenance of federal facilities in Georgia or the large sums spent on salaries for federal employees working in Georgia for federal agencies. Salaries paid to the armed forces is very large. A substantial amount of money paid out

by the Federal Government in Georgia is spent in Georgia.

Of course, it should be kept in mind that Georgians paid more in federal taxes than the Federal Government returned to the state in the form of aid. Many citizens would prefer a reduction in federal taxes and fewer grants-in-aid from the Federal Government; they feel these grants-in-aid are an item in the increase of national power at the expense of the states.

Grants from Counties and Cities. The counties and cities of Georgia made grants in the amount of \$4,930,568.04 to the state for public assistance and relief, education, highways, and agricultural development.

Donations for Operations. Donations to the state by individuals and organizations for education, health and hospitals, and agricultural development amounted to \$3,033,129.87.

Rents on Investment Properties. Georgia owns a railroad right-of-way from Atlanta to Chattanooga, and has other investment properties. Rents on these properties, \$540,000 from the railroad, and \$51,098.76 from other properties, amounted to \$591,098.76 in 1957.

4. Operating Earnings by Fees, Rents, and Sales of Services

The total of operating earnings of state agencies was the sizable sum of \$25,875,228.66. The greatest single item of this amount was in earnings of educational institutions, \$15,898,646.35. Most of this amount represents tuition fees and room and board paid by students.

The major Georgia state taxes in 1957 were the numerous sales taxes. Of the \$318,000,000 raised in taxes, over \$248,000,000, or 78 per cent, were sales taxes. The total per capita paid in taxes was \$92.29, and \$72.21 of this came from some kind of sales tax.

According to the *Compendium of State Government Finances in 1957*, a bulletin of the Bureau of the Census, United States Department of Commerce, the sales and gross receipts taxes were a primary source of revenue in all states,

amounting to \$8,436,000,000 out of a total of \$14,531,000,000; but only 41.4 per cent of the taxes came from this source, which amounted to \$50.69 per capita.

Only nine states exceeded the amount of the sales taxes collected in Georgia (1957), and only five of these states exceeded the per capita sales taxes collected in Georgia (1957).

Only Alabama, Arkansas, Kentucky, Mississippi, North Carolina, North Dakota, South Carolina, South Dakota, and Tennessee rank lower than Georgia in per capita personal

GEORGIA-STATE REVENUE RECEIPTS YEAR ENDING JUNE 30, 1957
Sales Taxes (78% of total state taxes and 56.93% of total state receipts)

	Amount	Percentage of total	Per Capita
Sales, 3% sales and use	\$127,982,520.78	29.29%	\$37.15
Selected sales taxes	120,745,638.25	27.64%	35.06
Gasoline—75½ million			
Liquor, beer, and wine 19½ million			
Cigar and cigarette 16¾ million			
Insurance premiums tax 8¼ million			
Kerosene ½ million			

	Amount	Percentage of total	Per Capita
Total sales taxes	\$248,728,159.03	56.93%	\$72.21
Income taxes	47,832,656.96	10.95	13.89
Motor vehicle and driver's license taxes	15,218,061.05	3.48	44.42
Corporation franchise taxes	1,612,090.70	.37	.47
Business license taxes	1,435,621.91	.33	.42
Hunting and fishing license taxes	1,038,073.95	.24	.30
Estate taxes	1,011,546.26	.23	.29
Property taxes (general, utility, intangible)	974,988.73	.22	.28
Other	50,865.67	.01	.01
Total taxes	\$317,902,064.26	72.76%	\$92.29
Grants from U. S. Gov't.	84,500,769.07	19.34%	\$24.53
Grants from counties & cities	4,930,568.04	1.13	1.43
Donations, rents, fees, other	29,584,205.28	6.77	8.59
Total revenue receipts	\$436,917,606.65	100.00%	\$126.84

Source: Report of the State Auditor of Georgia 1958

income (1957). None of these states rely as heavily on sales taxes as Georgia did in 1957. Only ten states in the United States equal or exceed Georgia in the percentage of state taxes as contrasted to the amount of local taxes.

STATES RELYING HEAVILY ON SALES TAXES AS SOURCE OF REVENUE

	Population 1956	Sales Taxes in Thousands
Georgia	3,709,000	\$ 243,534
California	13,471,000	1,032,935
Florida	3,885,000	285,504
Illinois	9,482,000	564,445
Michigan	7,580,000	524,417
New York	15,826,000	433,489
Ohio	9,071,000	516,774
Pennsylvania	10,940,000	505,532
Texas	8,944,000	305,961
Washington	2,675,000	295,031

Only five states collected more per capita, sales taxes, than Georgia.

Source: State Government Finances in 1957

It is plain to us that as government duties and services increase, costs will increase, and we cannot expect taxes to decline if we continue to demand increased services. Taxes are never popular, but we are not justified in complaining of the taxes we pay unless we are willing for the services we receive to be eliminated or reduced. For instance, as will be shown in more detail later in this chapter, more than 91 per cent of the total revenue of Georgia in the year ending June 30, 1957, was spent for the four items of education, highways, public welfare, and public health. If every other service of the state were done away with, we would save less than 9 per cent of the cost of government. It is clear, therefore, that if taxes should be reduced and state revenue sharply curtailed, it would be in great measure at the expense of education, highways, welfare, and health.

5. *How Our Money Is Spent*

Education. Georgia's schools and colleges have, in the past, not received as much money for salaries of teachers

PER CAPITA REVENUE OF SELECTED STATE GOVERNMENTS AND
AVERAGE FOR THE UNITED STATES IN 1956 (IN DOLLARS)

Source	48 State Average	Georgia	Alabama	Virginia
General revenue, total	112.51	110.36	108.64	87.98
Taxes, total	81.83	80.64	70.89	63.29
Selected Classes:				
General Sales or gross receipts	18.58	32.56	22.32	.00
Motor fuel sales	16.44	19.56	19.62	18.29
Motor vehicle licenses	7.39	3.53	1.18	5.42
Individual income	8.40	6.24	10.30	12.94
Corporation net = income	5.40	5.05	.36	7.79
Intergovernmental revenue total	20.16	23.20	28.22	11.87
From Federal gov't	18.52	21.79	25.85	11.01
Charges and misc.	10.51	6.51	9.54	12.83
Liquor store revenue	6.23	.00	13.01	28.92
Insurance trust revenue total	17.08	9.81	8.59	4.71
Unemployment compensation	9.18	6.34	6.04	2.86

Source: Southeastern Resources Handbook 1957, Bureau of Business Research, University of Georgia.

and other expenses of operation as have schools in many of the other states. Consequently, many of our most talented teachers were leaving Georgia for better salaries elsewhere, after they had been educated at state expense. This was double loss, for, when a good teacher who has been educated in Georgia goes elsewhere, we lose not only the money spent on the teacher's education, but also his or her valuable services. Other talented people, who would have made good teachers, would not enter the profession because of low salaries. In 1946, the Georgia Education Association, an association of Georgia teachers and administrators, began a movement known as the Minimum Foundation Program. It was designed to supply minimum funds for education to keep Georgia educationally abreast of other states. The General Assembly adopted the program in principle in 1950, but failed to provide means for financing it. With the passage of the Sales Tax Law in 1951, however, more money



OGLETHORPE COUNTY CONSOLIDATED SCHOOL BUSES

The operation of the schools constitutes one of the chief expenses of Georgia.

was available for education. The following chart will indicate increases in support of education at five-year intervals over the past twenty years. In 1957, the public elementary and high schools received \$138,615,282 which was 31 per cent of the total revenue of the state. Of this amount \$6.50 per pupil came from the Federal Government and \$1.25 per pupil came from agency earnings.

YEAR	APPROPRIATION FOR STATE SCHOOLS						
1935	.	.	.	.	.	.	\$ 7,392,073.46
1940	.	.	.	.	.	.	14,713,587.06
1945	.	.	.	.	.	.	20,723,237.68
1950	.	.	.	.	.	.	50,875,000.00
1955	.	.	.	.	.	.	115,950,548.25
1957	.	.	.	.	.	.	138,615,282.00

Similar increases have been made in appropriations to state colleges through the Board of Regents of the University System in Georgia. For the year ending June 30, 1957,



AN EXPRESSWAY ENTERING ATLANTA

The building and maintenance of new highways and expressways is an important source of state expense.

they received \$42,801,988.78 from the state budget. The Federal Government supplied \$500,000, and student fees and other earnings supplied \$14,500,000. Education in Georgia at all levels thus received in this fiscal year 41 per cent of all state revenue. It should be noted, however, that all state agencies earned only \$22,750,000, and nearly \$16,000,000 of this was earned by education agencies. As revenue increases, a movement is now underway in Georgia to raise the Minimum Foundation Program to an Adequate Foundation Program so that support of education in Georgia may approach that of any state.

The federal expenditures for educational purposes in Georgia in 1958 were at the rate of almost \$25,000,000 a year if we include expenditures under federal Public Law 874 for maintenance and buildings in defense areas.

Highways. Highways and public roads in Georgia accounted for 21.8 per cent of the total cost of state government for the year ending June 30, 1957. The amount spent on public roads was \$92,539,343.47. But \$14,500,000 came

from the Federal Government and nearly \$2,500,000 was from agency earnings. This does not include authority spending for bridges and rural roads. As mentioned earlier in this text, Georgia has approximately 90,000 miles of state and county roads of which about 18,000 are paved. It now costs about \$75,000 a mile to pave a road, and maintenance costs are proportionately high. Highways are necessary in this age of automotive traffic, and highway construction and maintenance will continue to demand an important percentage of state revenue.

Public Welfare. Pensions and benefits, such as aid to our old-age citizens, were 17.88 per cent of the total revenue in 1956-57, and reached a total of \$78,109,598.44. It was in this area of governmental service that the Federal Government made its largest contribution, more than two thirds of the total or \$52,849,966.79.

Public Health and Hospitals. Public health and hospitals received from the state receipts \$29,877,819.22 or 6.84



CLOUDLAND CANYON, STATE PARK

Georgia spends a large sum of money each year to provide recreational facilities for its citizens.

per cent of the total. The Federal Government supplied \$5,500,000 of this amount.

Agricultural Development. Agricultural development received 4.14 per cent of the revenue, or \$18,079,166.16. Almost \$4,500,000 of this amount came from the Federal Government and \$1,500,000 was earned by the agency.

Georgia has always been an important agricultural state and an important producer of cotton, peaches, pecans, peanuts, and livestock. One of the problems involved in agricultural development is making the farm productive, and thus stopping the trend of the shift of population to urban centers.

PER CAPITA REVENUE EXPENDITURES OF SELECTED STATE
GOVERNMENTS AND AVERAGE FOR THE UNITED STATES 1956

(In Dollars)

	48 state average	Georgia	Alabama	Virginia
Total	132.68	118.60	128.11	121.73
Total general expenditures	115.37	113.37	113.31	93.69
Public safety	3.22	2.06	2.34	4.08
Public welfare	16.35	19.12	18.45	5.12
Education	34.75	49.35	41.56	28.46
Highways	32.74	23.63	32.08	31.41
Health and hospitals	9.80	7.80	5.80	10.71
Non-highway transportation	.39	.36	2.03	.14
Housing and community redevelopment	.12	.00	.00	.00
Natural resources	4.17	4.11	3.57	3.19
Employment security administration	1.31	.83	1.08	.60
General control	2.96	2.18	2.50	2.89
Miscellaneous and unallocable	9.55	3.92	3.90	7.08
Liquor stores expenditures	5.17	.00	10.43	24.80
Insurance trust expenditures	12.14	5.23	4.37	3.24
Unemployment compensation	7.79	3.99	3.78	2.32

Source: Southeastern Resources Handbook 1957, Bureau of Business Research, University of Georgia.

YEAR ENDING JUNE 30, 1957
GEORGIA—DISTRIBUTION OF REVENUE RECEIPTS BY PURPOSE

Purpose	Amount	Percentage of total	Per Capita	U. S. Grants in millions	Agency earnings in millions
Education:					
Grammar and high schools	\$138,615,282.16	31.73%	\$40.24	\$ 6.5	\$ 1.3
Colleges	42,801,988.78	9.80	12.42	.5	14.6
Public roads	92,539,343.47	21.18	26.87	14.5	2.4
Pensions and benefits	78,109,598.44	17.88	22.68	52.8	2.9
Public health:					
General hospitals	29,877,819.22	6.84	8.67	5.5	.3
Corrections—penal	5,057,618.10	1.16	1.47	.0	1.5
Agricultural development	18,079,166.16	4.14	5.25	4.4	1.5
Military and police	4,783,722.53	1.09	1.39	.3	
Judiciary	1,647,300.20	.38	.48		
Assessment and collection of revenue	11,248,063.68	2.57	3.26		
All other agencies	10,059,159.26	2.30	2.92		
States general fund cash balance	4,032,324.35	.92	1.17		
State revenue collections unfunded	66,170.30	.01	.02		
Totals	\$436,917,606.65	100.00	\$126.84	\$84.5	\$22.9

Source: Report of the state auditor of Georgia, 1957. The per capita figure is based upon 1950 census. Based on 1957 population estimates, the per capita distribution would be \$115.13 instead of \$126.84 as reported.

ACTIVITIES AND QUESTIONS

1. Why have state-local expenditures and debts increased so much since World War II?
2. What important buildings, roads, and bridges have been built in your county by state authorities? Why is the authority debt a legal indebtedness?
3. What was the total tax revenue in Georgia per person in 1901? 1957?
4. What state tax brings in the most revenue for the state of Georgia? List all the sources of revenue by amounts from highest to lowest for the year 1957.
5. What source of revenue do Alabama and Virginia have which is not used in Georgia?
6. How many state revenue expenditure items are less in Alabama and Virginia than in Georgia? (Notice that the chart does not include expenditures of local governments. Virginia at the local level spends much more for education than Georgia.)
7. List the items of expenditures of the state of Georgia from the largest item to the smallest item.

FOR FURTHER STUDY

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Chapter XI

GEORGIA'S COUNTIES

1. *Counties Are Important Units of Government*

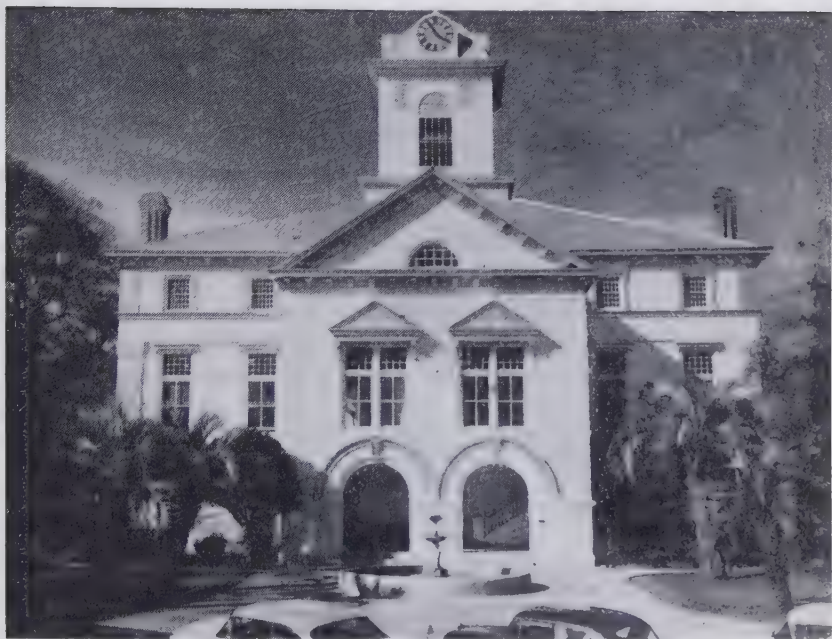
Units of Local Government. Over 100,000 local governmental units existed in the United States in 1957. Over 50,000 (counting county units) are school districts. School districts and the number of schools have been radically reduced in recent years by school consolidations. This cannot be said of other units of local governments. In addition to the 159 counties, Georgia has more than 500 municipalities, 187 school districts, and 160 special districts. Small units can be governed well, and large units may be administered poorly. Overlapping jurisdictions and the duplication of services constitute a more serious problem than numbers. But big counties can hire full-time professional people to perform services, whereas the small county is apt to have a part-time employee without professional training. The public health function, involving drainage problems, water pollution, and communicable diseases, requires such specialization; therefore, counties in Georgia are beginning to combine their efforts in the field. Small counties in Georgia are beginning to combine the offices of tax receiver and tax collector into an office of tax commissioner accompanied by the abolition of the office of county treasurer. Georgia counties classified as "ordinary" counties and those counties with one commissioner have the advantage of having one or two people who can devote full time to county matters. Often a full-time clerk of a road commission becomes highly proficient as the chief executive officer of the county.

By custom and without a constitutional provision in the state of Virginia, counties do not have separate functions inside Virginia cities. In other words, twenty-eight cities in Virginia are separated from the county, and the city performs the state functions usually performed by the county.

This is a practice inherited from England, and in Virginia it has never been changed. Many counties in Georgia and other states now perform municipal functions.

In Georgia the county is the geographical unit of local government; therefore, each one who lives in Georgia is a resident of a county. County government is very close to all of us. It is to the county that we pay much of our taxes on property for schools and the other services of the county government. The county is an election unit, a school unit, a taxing unit, a court and law-enforcement unit, and its officers perform other administrative functions. Because in our past history the county has played an important role in local government, the counties of Georgia are relatively small and numerous. The center of local governmental activity in Georgia and in the South has traditionally been the county courthouse. Counties were designed to be small enough with the county seat (or site), where the courthouse is, so located as to be easily within the reach of all citizens. Keep in mind that most of the counties of Georgia were organized before the days of paved roads and automobile and airplane travel. It seemed desirable, therefore, that each citizen be close enough to the courthouse so that he could travel by horse to and from his home to the courthouse in one day in order to transact his business. In New England and some of the middle western and eastern states the counties are not so important, for they are divided into towns or townships as units of local government. In these areas counties are likely to be larger.

Georgia, which is the largest state in land area east of the Mississippi River, has more counties than any state in the nation except Texas. Georgia has 159 counties. Texas has 254, but since Texas is nearly five times as large as Georgia (265,000 square miles in Texas, 58,876 in Georgia), Texas counties average nearly three times the size of Georgia counties. Georgia counties average only 370.3 square miles. The largest is Burke County with 832 square miles, and the smallest is Clarke County with only 125 square miles. The total number of counties in the forty-eight states (1958) was



BROOKS COUNTY COURTHOUSE IN 1959

The various county government operations center in the county courthouse.

only 3,051, an average of less than sixty-four per state. You can readily see that Georgia is much above the national average in the number of counties, and its counties are below the national average in size.

Article XI of the present Constitution of Georgia is entitled "Counties and Municipal Corporations" though it contains practically nothing about municipalities or city governments. (These will be discussed later in this text.) "Each county shall be a body corporate with such powers and limitations as may be prescribed by law. All suits by or against a county shall be in the name thereof; and the metes and bounds of the several counties shall remain as now prescribed by law, unless changed as hereinafter provided." (Art. XI, Sec. I, Par. I.) This means that counties in Georgia are constitutional corporations. A corporation, or "body corporate," is a legal term meaning literally "an artificial

person" that can sue and be sued in the courts, make contracts, own property, and transact business as an individual. Georgia counties are constitutional in that they are set in the Constitution at their present number of 159, and this number cannot be increased except by an amendment to the Constitution. The Constitution of 1877 stated that there should not be more than 137 counties, the number existing when that Constitution was adopted. By amendments to the Constitution, however, counties in Georgia reached an all-time high of 161 by 1924, when Peach County was created. In 1932 we had our only county merger or consolidation when Milton and Campbell counties were merged with Fulton; thus, the number was reduced to the present count of 159. In 1957, the county of Echols had 2,200 people; Fulton had the largest population, 561,000 people; and Chattahoochee County had only 1,200 civilians.

At one time prior to World War II a great deal of agitation arose for a reduction in the number of counties by consolidating adjoining ones. It was felt then that many Georgia counties were too small and too poor to provide proper governmental services except by excessive taxation of their citizens. The Constitution of 1945 made it easier for counties to be consolidated or dissolved by providing that consolidations or mergers might be carried out by the General Assembly by statutory law if two thirds of the qualified voters of the counties affected agreed in a special election called for that purpose. Thus far no such mergers under these provisions have occurred, and since it is unlikely that the number of counties will increase, it seems safe to assume that Georgia's counties will remain as they are for some time to come. Many citizens, who formerly felt the need for a sharp reduction in the number of counties for purposes of economy and efficiency, now agree that some of these advantages can be gained by inter-county co-operation, such as inter-county hospitals and inter-county libraries. Fulton County and Atlanta have improved local government by dividing functions between the city and the county to avoid duplication. Fulton is one of fifteen counties in the

United States with a county-manager system of government. In 1935, the legislature enacted legislation permitting Albany and Dougherty County to consolidate, but the law was vetoed by the governor.

2. Elective County Officers

Article XI, Section VI, Paragraph I, of the Constitution of Georgia, starts out by saying that "County officers shall be uniform," but permits several important exceptions to uniformity.

The county officers that are uniform are elected by the qualified voters of the county for four-year terms.

County Administration. The administration of the business affairs of Georgia counties puts the counties into two distinct types: those that might be called the executive type, because their affairs are managed by one person; and the commission type, whose affairs are managed by a board of commissioners of roads and revenues. Until the Constitution of 1877, the ordinary, an elective official with judicial functions (see Chapter X), was the administrative head of all counties. Today, however, by an amendment to the Constitution of 1877, which became a part of the Constitution of 1945, one of the exceptions to the uniformity of county officers permits the General Assembly to create boards of commissioners of roads and revenues in any county in Georgia. Only eight Georgia counties are now known as "ordinary" counties, with the ordinary as the chief administrative officer. Thirty-three other counties, however, have single commissioners and with the ordinary counties might be classed as the executive type. Of the 118 counties which have boards of commissioners, sixty-three, or more than half, have three-member boards, and fifty have five-member boards. The remaining few boards vary from six to eight members each. Since each of the 151 counties, in which the ordinary is not the executive officer, has had its county government changed, over a period of years, by a separate act of the General Assembly, there is no uniformity. Most county



CITY AND COUNTY ATTORNEYS ATTENDING AN INSTITUTE

These county officials are going to school to learn ways in which they can improve their services to Georgia.

commissioners are part-time officials; in private life they are farmers, business men, or professional men. The county commission, however, usually employs a full-time clerk. In two counties, which have only one commissioner, the clerk has an advisory board; in another, a board of finance. In at least one county the clerk is also a member of the board; in another, the ordinary serves as clerk. In two counties the ordinary is an ex-officio board member, and in one of these, he serves as chairman. In other counties, which have more than one commissioner, the chairman of the board is elected by his fellow board members. Among the duties of the county commissioners, or ordinaries in the "ordinary" counties, are preparation of the county budget, determination of the tax rate for the county, supervision of the assessment of property, care and maintenance of county buildings and other property, supervision of county police, and the building and maintenance of county roads. Since counties do not have legislative bodies, as such, the county executives have quasi-legislative functions. Thus, their importance is

increased. County commissioners are elected for four-year terms.

Ordinary. The name ordinary, as applied to the judge of the probate court, is used only in Georgia. It is a term of old origin and dates back to Anglo-Saxon England. Originally, the ordinary, in addition to his judicial duties (see Chapter X), was the chief administrative officer in each county in Georgia. Today, however, except in a few counties, his duties are restricted largely to judicial functions, issuance of marriage licenses, printing of ballots, and conduct of elections.

The position of ordinary is often sought by women in politics, and in 1956, thirty-five women in Georgia were ordinaries.

Sheriff. The office of sheriff is one of the oldest known to English common law. Every county in Georgia has a sheriff elected by the qualified voters of the county for a four-year term. He is the law-enforcement officer of the county, serves court processes such as subpoenas, is responsible for county prisoners, and carries out the judgments of the superior court and the other courts of the county. He appoints his deputies (assistants) and must be present in person or by deputy at all sessions of the courts. The sheriff may be paid either by salary or in fees, or by both salary and fees. In the smaller counties he receives a fee for every official act he performs. In over one third of the counties, however, he is paid on a salary basis.

The Clerk of the Courts. Every county in Georgia has a clerk of the superior court; and if there is a city or county court in the county, he may also serve as its clerk. He is elected by the qualified voters of the county for a four-year term and is one of the most important officials. He may be compared at the county level to the secretary of state at the state level, as he is the custodian of all court records, and titles and deeds, and other official documents and records. In 1956, women were serving in this important elective position in fourteen counties in Georgia.

The Tax Commissioner. Formerly, each county in Georgia had both a tax receiver and a tax collector; but, since their duties are related and the peak load of the work of these officials comes at different times of the year, the Constitution provides that, in the interest of economy and efficiency, the offices may be combined into that of tax commissioner. By 1958, one hundred two counties had tax commissioners, while only fifty-seven had both tax receivers and tax collectors. Several tax commissioners were women. Tax commissioners are elected by the qualified voters of the county for four-year terms. Since the duties of the tax commissioner are a combination of the duties of tax receiver and tax collector, and since the duties of these two will be discussed below, it is not necessary to go into their duties at this time.

The Tax Receiver. In counties which have the office of tax receiver, he is elected by the qualified voters of the county for a four-year term. His title is somewhat confusing since he does not receive any tax money, but only "returns" on property subject to taxation. Each year between January and May the tax-paying citizen goes to the tax receiver's office to make a certified "return." This means that he must declare for taxation all real estate and personal property which he owned in the county on January 1. The tax receiver, or his assistant, lists this on a tax return form, and the taxpayer signs it. He is entitled to an exemption of \$300 on his household and kitchen furniture, and \$2,000 on his homestead if he owns the home in which he lives. The taxpayer makes his own estimate of his personal property, such as jewelry and household furniture. The tax receiver places on all automobiles a value which is the trade-in value of the particular make, year, and model. The county tax assessors place the value on all real estate property. When the tax receiver's books have been closed, he totals all property returns into what is called the Tax Digest. One copy of the digest goes to the county commissioners, or, if there are none, to the ordinary. The commissioners



PUBLIC SQUARE, GAINESVILLE, GEORGIA

The public square is an important part of Georgia county-seat towns.

(or ordinary) prepare the county budget, that is, the amount of money needed for county purposes for the next year. By dividing the total of taxable property on the digest by the amount needed for the budget, they set the tax rate which is figured in mills (one tenth of one cent). Thus, if the total taxable property is ten million dollars and the county needs one hundred thousand dollars in property tax revenue, the tax rate would likely be set at 10 mills or one dollar per hundred-dollar valuation on taxable property. (One hundred thousand is $1/100$, or 1 per cent, of ten million.) A second copy of the Tax Digest goes to the tax collector's office, and a third copy to the state revenue commissioner in Atlanta. County tax collectors also collect certain state taxes; therefore, the revenue commissioner (see Chapter IX) must have a copy of each county digest so that he may know how much tax money is due the state. Some weeks or months after the tax receiver's books have been closed in the spring his digests are completed. For the rest of the year the work of his office is greatly reduced. He may be paid by a salary or fees based on the amount of taxable property on his digest. In 1956, eleven women were tax receivers in Georgia. This proves that women can be able officials.

The Tax Collector. A tax collector is located in every county in Georgia that has a tax receiver. He is elected at the same time and manner for a four-year term and may be paid in salary or fees. The tax collector actually collects the taxes. His hard work begins after that of the tax receiver is over. He has from the tax receiver a complete list of all taxpayers and the value of the property upon which taxes are due. As soon as he gets the tax rate from the county commissioners (or ordinary), he prepares individual tax bills. These usually go out in the early fall and the taxpayer has until December 20 to pay his taxes. Again, it should be noted that since the tax receiver is busiest the first half of the year, and the tax collector the latter half, eighty-eight Georgia counties have decided to combine the two for efficiency and economy. Only five women were tax collectors in Georgia in 1956.

The County Treasurer. Every county must have some individual or agency responsible and accountable for its public funds. The Constitution, however, makes an exception to the county treasurer in the uniformity of county officers. Where there is a county treasurer, he or she is elected by the qualified voters of the county for a four-year term. In 1956, sixty-two Georgia counties had elective county treasurers. In this position the women had a greater percentage than in any other county office; nineteen women were treasurers. In the other ninety-seven counties various means were used for custody and accounting for county money. In many counties, state and national banks have been named as county depositories. In other counties the ordinary or the chairman or clerk of the county commissioners has been so designated.

The Coroner. Each county in Georgia is supposed to have a coroner who is elected by the qualified voters for a four-year term. In 1956, two counties in Georgia had this position vacant, and two others had acting coroners, because no one had announced and qualified for this elective office. In the smaller counties this officer, who is usually



THE BOARD OF EDUCATION OF MUSCOGEE COUNTY
SCHOOL DISTRICT

Peabody Survey Staff presenting the results of the Comprehensive Survey of the Muscogee County School District to the members of the Board of Education and to representative citizens of the community.

paid on a fee basis, receives relatively little compensation. Originally, however, in England the position was most important, and the title is derived from "Crown, or Crown Officer." In the larger counties the office is still important as will be seen from its duties. This officer is charged with making inquests (investigations) in all instances of sudden or violent deaths when there are no eyewitnesses, and of deaths in prison where no physician was in attendance. The object of the inquest is to determine whether violence was the cause of death, and, if so, to name the person or persons probably guilty of the death. The coroner, in such cases, may impanel, or assemble, a jury of six and may summon witnesses to testify. He must also report his findings to a criminal court when ordered to do so. The verdict of the jury is by a majority vote. The coroner, because of the nature of his duties, can arrest the sheriff and serves as sheriff if this office is

vacant or the sheriff is incapacitated. In actual practice, however, many coroners no longer serve as police or arresting officers.

The County School Superintendent and the County School Board. Every county in Georgia has a county school superintendent and a county board of education. In most of the counties the county school superintendent is elected by the qualified voters for a four-year term, while the county board of education, composed of five members, is selected by the grand jury. These procedures, however, have exceptions. In some counties, notably, Bibb, Chatham, Dougherty, Dekalb, Glenn, McDuffie, Muscogee, Polk, and Richmond, the people elect the board of education and the board elects the superintendent. In Fulton County the grand jury selects the board of education, and the board elects the superintendent. Beginning in 1956, with the consolidation of the Athens city schools and the Clarke County schools, an additional method was introduced. The city council of Athens selects six members and the county commissioners of Clarke County three members, thus making a nine-member board, who must then be confirmed or agreed to by the grand jury. This board when confirmed selects the county school superintendent. In addition to the 159 county school systems the state has forty-three "independent" systems; that is, systems in cities within counties that are independent of county control. Naturally, many of the independent systems are in the larger cities (see Chapter XIII). In 1956, ten women in Georgia were county school superintendents.

County Surveyor. The county surveyor, when this office is filled, is elected by the qualified voters for a four-year term. His duties are to survey county and district lines and to execute all surveys ordered by a court of competent jurisdiction. In 1956, only eighty-seven counties had county surveyors, thus leaving seventy-two counties in which this position was vacant. Since county and district lines have been stabilized over the years and can be changed only by constitutional means, this position is not as important as it formerly was.

3. *Appointive Officials*

County Attorney. In 1956, one hundred forty-five Georgia counties had designated county attorneys. Fourteen did not. In the counties in which this official exists, he is appointed by the Board of Commissioners, or, in the executive type counties, by the commissioner or ordinary. He is the legal advisor of the county officials and represents the county in all court action to which it is a party.

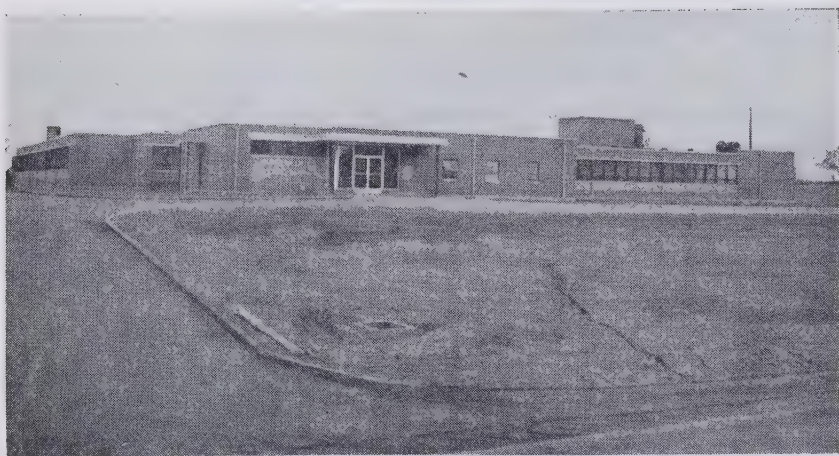
County Assessors. Each county in Georgia has a board of tax assessors of three members appointed in the same way as the county attorney for six-year terms. The tax assessors evaluate and assess for taxes all real estate (buildings, houses, and land) in the county.

Jury Commission. Each county in Georgia has a jury commission composed of six members appointed by the judge of the superior court for six-year terms (see Chapter X).

Board of Registrars. Each county has a board of registrars of three members appointed by the superior court judge from six citizens whose names are submitted to him by the grand jury (see Chapter XI).

Board of Health. Each county in Georgia has a board of health. Except in those counties, such as Clarke, which have a city- (Athens) county board of health, the board is composed of the chairman of the county commission (or ordinary) and the county superintendent of schools as ex-officio members, and a physician elected by the grand jury. Many counties have county health officers elected by this board.

County Welfare Department. The Welfare Reorganization Act passed by the General Assembly in 1937, provided for a county welfare department in every county with a board and a director. County welfare boards are composed of five members appointed by the commissioners or the ordinary with the approval of the State Department of Welfare for three-year staggered terms. The county director is appointed by the board under qualifications set up by the state department. With the consent of the state department



A COUNTY HOSPITAL

Some counties have erected hospitals to serve their people.

the counties may combine into district departments of public welfare with one director for the district, but with a board in each county. The county (district) departments are responsible for public assistance to the needy, aid to the blind and other handicapped people, old age assistance, and the care and treatment of dependent and handicapped children. Public welfare is one of the best examples of co-operation between our governments and welfare monies come from national, state, and local funds.

Other County Activities. Georgia counties also have county agricultural agents, who work with the farmers in the improvement of crops and livestock; home demonstration agents, who work for the betterment of family life; forest rangers, who protect the forests from insects, disease, and fires; and wildlife rangers, who protect game and fish and enforce game laws. In addition, some counties have county police to aid the sheriff and other law-enforcement officers.

4. County Finances

Counties derive most of their revenue from taxes on property. For tax purposes in the counties and cities values placed on real estate are usually much lower than actual

value—probably less than 40 per cent throughout the state. Since the tax rate is fixed on the basis of all property values in the county, the percentage tax value placed on property by the assessors is not too important if it is equalized; that is, proportionately the same on all property. Thus, if assessments are high as compared to actual value, the tax rates will be lower. If, on the other hand, tax assessments are low, tax rates will be higher. To illustrate: If a house is valued at \$10,000 and the tax rate is 20 mills or 2 per cent, the tax on the house is \$200. If the house is valued at \$20,000 and the tax rate is 10 mills, the taxpayer's bill is still \$200. The important thing is that tax assessments be fair among citizens. If one piece of property is on the books for twice as much as another piece, it should actually be worth twice as much in real value. It should be noted here, however, that if actual property values throughout a county are low and if there are few industries and big tax payers, the tax rate of the county must be higher in order that the minimum expenses of county government may be met. Thus, one property owner may be taxed more than another who owns land of equal value. This is one of the arguments for reducing the number of counties by consolidation so that the number of county officers could be reduced and all counties would have a property valuation sufficient to meet governmental expenses without too great a tax burden on its citizens. It is obvious that if two counties are of approximately the same size and population but the property in one of them is worth more than in the other, the tax payers of the poorer county will have to pay higher taxes if they receive equivalent services.

Fortunately, for the smaller counties of Georgia, some of the expenses of government are largely paid from state funds. For instance, county schools receive state money from the Minimum Foundation Program, based on county needs, and highways throughout the state are built by state and federal monies. This is the theory that all the people of the state contribute to the prosperity of the city areas and thus should participate in state revenue no matter where



A GEORGIA COUNTY AGENT AT WORK

it is collected. Atlanta and the metropolitan area around it pay about one fourth of all state revenue which is spent throughout the state. In the schools this is known as equalization of educational opportunity on the theory that every Georgia school child should have as good an educational opportunity as any other child, regardless of where he happens to live in the state. More than one hundred Georgia counties receive more from the state for schools and highways than they pay in state taxes. In addition the state and national governments contribute funds to the counties for health, welfare, agriculture, and libraries. Nevertheless, certain functions must be performed by the counties within their own resources; how well they perform these functions depends largely upon the amount of revenue available.

Georgia has always been a great agricultural state; but it is becoming more industrialized as industry, because of the many advantages of climate, raw materials, and labor supply, is rapidly moving south. Between 1940 and 1950, Georgia increased in population 10.3 per cent. Georgia's population in 1940, was 3,123,723 and in 1950, was 3,444,578, a net gain of 320,855. During this ten-year period, however, ninety-eight Georgia counties actually lost population and only sixty-one gained. The percentage loss was as great as 28.1 per cent in Taliaferro County. Percentage-wise, Houston County, in which is located Robins Air Force Base with its thousands of employees, led all others with 85.5 per cent increase. The largest numerical increase, however, was in Fulton County, which gained 80,686. Six additional counties, Bibb, Chatham, Cobb, Dekalb, Muscogee, and Richmond, had population gains in excess of 20,000 each, and these seven counties accounted for nearly nine tenths of the total population gain for the state. The trend toward urbanization continues and the estimated population of Georgia as of July, 1957, was 3,866,000, an increase over 1950 of more than 400,000. Although there are only 1,200 civilians in Chattahoochee County,¹ in 1950 the counties of Georgia ranged in population from Echols with 2,200 to Fulton with 561,000. Using the United States Bureau of Census definition of an urban community as one with a population of 2,500 or more, Georgia has changed from a 4.3 per cent urban population in 1850, to an urban population of 45.3 per cent one hundred years later. Fifty per cent of the Georgia population is now urban. From these facts and figures (statistics) it is evident that on the whole the agricultural counties of Georgia are losing population as farm mechanization makes it possible to raise more farm products with less manpower; the industrial counties are gaining. These facts present many governmental problems. For information concerning your own county check your local library.

¹Chattahoochee County is the location of Fort Benning, the United States Army Infantry School, and much of the area is within the military reservation.

ACTIVITIES AND QUESTIONS

1. List the things which make the county an important unit of local government.
2. How do counties in Georgia compare in size with counties throughout the United States?
3. How many counties did Georgia have in 1924? 1957?
4. Name the largest and smallest counties in Georgia according to area and population.
5. What county in Georgia has a county manager?
6. Does your county have a board of commissioners of roads and revenues? Size? Duties?
7. What duties do the ordinaries perform in counties with boards of commissioners? In other counties?
8. List the duties of the sheriff. Clerk of court. Tax commissioner. Coroner. Tax assessors.
9. Who is on your county board of health? County welfare department? Who is your county agricultural agent? Home demonstration agent?
10. Does your county have a county police force?
11. What is the tax rate of your county?
12. How many counties in Georgia lost population between 1940-1950?

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Chapter XII

MUNICIPAL GOVERNMENT IN GEORGIA

1. *What a Municipality Is*

Municipalities Created by Legislature. We learned in the last chapter that Georgia's counties are *Constitutional Corporations* in that the present number is set in the Constitution and can be increased only by an amendment to the Constitution, or decreased only as provided in the Constitution. Each municipality (city or town), however, has been created by a special act of the General Assembly and has a charter (basic law) granted to it by the state's legislative body by statutory law. Municipalities, therefore, are statutory corporations and can be created, changed, or abolished by a simple act of the General Assembly. In Georgia in 1950, 584 towns and cities were incorporated, but this number is subject to change each time the General Assembly meets. Remember, a corporation is an artificial person in that it can sue and be sued in court and can carry on its business as can an individual.

Municipalities differ from counties in several other ways. Counties, while exercising certain independent functions, are in reality subdivisions of state government. Their executive powers are limited, they have no clearly defined legislative powers, and county courts are parts of the state system and have jurisdiction over state laws. Counties were created primarily for state purposes; local government is usually secondary. Municipalities, on the other hand, while controlled by state laws, are similar to the national and state governments in that they have clearly defined executive, legislative, and judicial departments. The difference in the county (quasi-municipal) and the municipality grows less distinct as the urban county takes on more and more purely local functions, like police and utilities.



CITY HALL, ATLANTA, GEORGIA

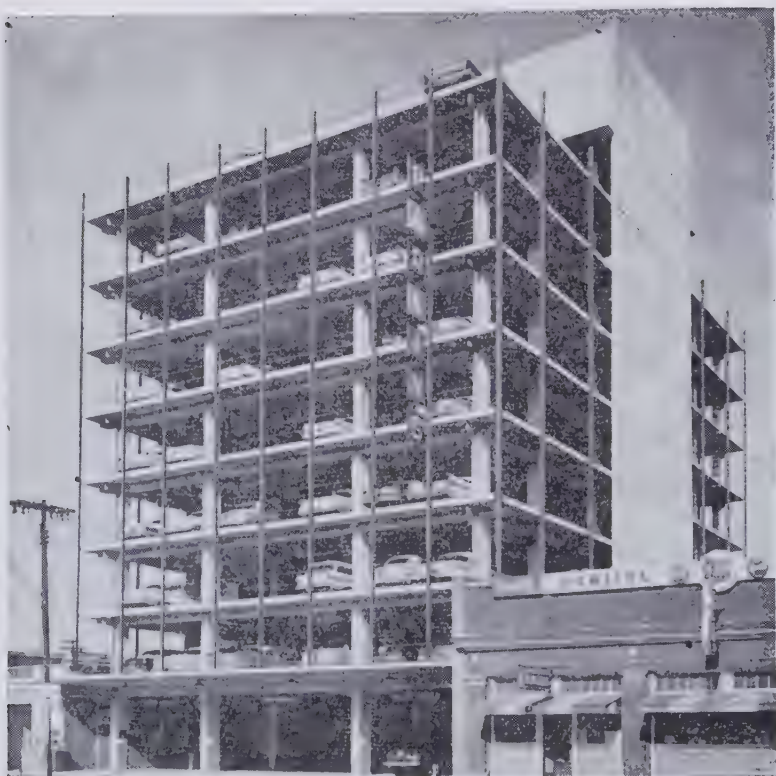
2. *Types of Municipal Government*

Since the charters of municipalities are based on separate acts of the General Assembly, each differs somewhat from all others. Only three different forms of municipal government, however, are established throughout the United States.

Mayor-Council Form. The oldest and by all odds the most numerous form of municipal government in Georgia, as well as in all the states, is the mayor-council form. In a mayor-council city government the mayor is the chief executive and is elected by the qualified voters of the whole city. The council is the legislative body, and its members are usually elected by the voters from wards, the political

subdivisions into which larger municipalities are divided. Ordinarily, most city councils are composed of two members from each of the three, four, five, or more wards into which the municipality may be divided, for two-year terms. Thus, half of the council is always made up of hold-over members and half of the members are newly elected each year. City councils pass local laws, called *ordinances*, for the preservation of order and conduct of local affairs. Within the mayor-council municipalities are two major variations: the *weak-mayor* and the *strong-mayor* types. Under the weak-mayor plan the mayor presides over council meetings, signs papers authorized by the council in the name of the corporation, and acts as the social head of the city governments. The council exercises most authority, prepares the budget, nominates and elects most officials and employees who are not elected by popular vote, and determines city policy. In this type the mayor usually can vote only to break a tie in the council. In the strong-mayor type (Athens is a good example) the mayor prepares the budget which the council can approve or disapprove but cannot change. The mayor also nominates all officials and employees, who must be approved by the council; but the council can only accept or reject; it cannot nominate. And, finally, in the strong-mayor type the mayor can veto any action of the council. This veto may then be overridden only by an extraordinary majority vote of the council, such as two-thirds or three-fourths. These three things make for a strong-mayor type: appointive power, budget responsibility, and the veto power. Atlanta's mayor presides over the council and exercises a veto, but is restricted somewhat by the budget commission. Often, a mayor, due to long tenure, has much power.

City-Manager Type. The second most important type of municipal government in the United States and in Georgia is the city-manager type. In this type the people elect the members of the legislative body, called the council or commission. Members may be elected from wards or from the city-at-large, and they are responsible for the conduct of city



CITY PARKING BUILDING IN ATHENS, GEORGIA

The city of Athens owns and operates this elevator lift modern parking building.

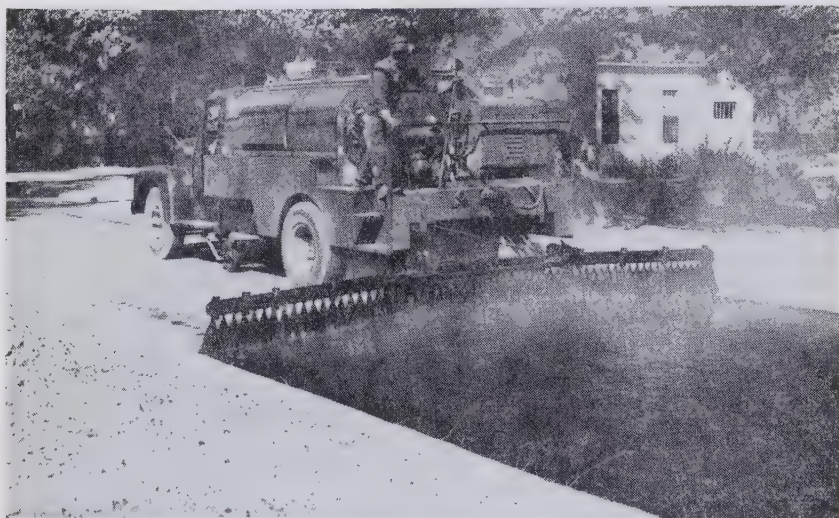
affairs. The mayor, who is *primus inter pares* ("first among equals") and has no more power than any other member, simply presides over meetings and is elected by the other members from among their number. The council or commission (the difference is in name only) selects a salaried city manager, who administers the affairs of the municipality under the direction of the council or commission. This type of municipal government is modeled after business organizations. The council or commission, like the board of directors of a bank or other corporation, determines the policies; the manager, like the president of the corporation, carries them out. The position of city manager is becoming

a real profession and some universities throughout the United States are training students for this profession. The advantage of the manager plan is that city governments are directed by men trained in municipal affairs. Its defect, of course, is that a city manager is too expensive for the smaller municipalities as he must be paid an adequate salary; small town mayors, part-time officials, are paid very little. The city manager, keep in mind, has no legal policy power, but, if he is efficient, his recommendations are most influential and are usually accepted by the council or commission. He thus, to a large extent, influences city policy. Another advantage of the city-manager type is that the city manager holds his office at the pleasure of the council or commission and for an indefinite term. Thus, if he is a good manager he will be employed for many years; if unsatisfactory, however, he may be relieved at any time. He does not have to live in the city, as do elective officers, but may be employed from anywhere. There are about thirty city-manager cities



OFFICERS OF THE GEORGIA MUNICIPAL ASSOCIATION

Reading from left to right they are Carl Pruett, W. S. Askew, B. F. Merritt, Elmer George.



LAYING ASPHALT ON A CITY STREET IN ATHENS, GEORGIA

The rapid growth of cities and the addition of new areas to the suburbs make the provision for paved streets an important city problem.

in Georgia. Of the five cities in Georgia above 50,000 population—Atlanta, Augusta, Columbus, Macon, and Savannah—only Columbus, fourth largest, and Savannah, second largest, have city managers. Savannah changed to this form in 1955. Of eight Georgia cities in the 20,000 to 50,000 population range, four have city managers. Six out of nine in the 10,000 to 20,000 class have city managers. It is thus apparent that the city-manager type of municipal government in Georgia is most frequent in cities above 10,000 and under 50,000; however, some towns of less than 5,000 population have managers. For cities under 10,000 the manager's salary sometimes makes this type too expensive; for those above 50,000 the mayor is usually paid an adequate salary so that he can and must give full time to his position. It should be noted here, however, that some of the largest cities in the United States, Los Angeles, California, for example, have city managers. There are currently (1959) 1,550 city and county managers in the United States of America.

One hundred four (counting one county manager) were added in 1957.¹

The Savannah charter follows closely the model city charter plan suggested by the *National Municipal Review*, and specifically states that the manager need not be a resident of the state of Georgia at the time of his employment.

Commission Plan of City Government. The commission plan of city government was first introduced in Galveston, Texas, in 1901. This plan substitutes a commission, usually of three or five members, for the mayor and council and does away with the principle of separation of powers between the legislative and executive branches of the city government. The commission as a body passes city ordinances, and the individual members, receiving full-time salaries, serve as heads of executive departments, into which the city may be divided. This is the least popular type of municipal government in the United States and is relatively unimportant in Georgia; only a very few modified commission forms are found in Georgia and none in which the commissioners are all full-time city officials. This form of government is not very popular, and over 50 per cent of the cities using it are found in the state of Texas. In a commission form of city government the mayor is elected by the commissioners from among themselves.

3. City Officials

Since each of the more than five hundred municipalities in Georgia was created by a separate act of the General Assembly, no uniformity is found among them as to organization and officers. Because of the great variation in size of these local governments, the number of officials, either elected or appointed, necessary to carry on the affairs of the municipality, varies greatly. The short ballot principle

¹See *National Municipal Review*, February, 1958, Vol. 47, No. 2, for a report from International City Managers Association. Five cities and towns were removed from the list. One or two had failed to name managers.



THE SAVANNAH CITY FIRE DEPARTMENT PUTS OUT A FIRE
AND SAVES PROPERTY

(the policy of electing few officials) generally prevails. In most municipalities, cities, and towns, only the mayor and members of the council or commission are elected by the voters. Other officials are appointed or are elected by the council or commission. In some cases even the mayor is not elected by popular vote, but is chosen by the elected councilmen or commissioners from among their membership. In some cities (Athens, for instance) the recorder, who is the judge of the court which handles cases involving city ordinances, is elected. In others, the city attorney is an elected official. In those municipalities which are large enough to have a civil service commission to handle matters pertaining to the personnel of the police and fire departments, the members of this commission are elected.

Appointed Officials. Among the cities of Georgia some appointed officials are common, but they are not uniform

within the larger cities. The following are among those most common.

City clerk, who keeps the minutes of the council and the official records of ordinances passed.

Treasurer, who is the custodian of city funds. Often the offices of clerk and treasurer are combined.

Tax assessor, who determines the valuation of property for tax purposes.

Marshal, who is the city tax collector.

Recorder, who presides over the municipal court which fines or imprisons violators of city ordinances.

City attorney, who is the legal advisor of the municipal officials.

Police chief, who is the head of the law-enforcement department.

Fire chief, who is the head of the fire-fighting department.

City engineer, who is responsible for the construction and maintenance of city streets and public works.

Water superintendent, who is in charge of the municipal water works.

Atlanta, the largest city of Georgia, in 1956, had twenty-eight city officials, in addition to mayor and councilmen, whose salaries ranged from \$6,300 to \$12,000 annually. Among these are such officials as airport manager, building superintendent, city traffic engineer, and others not needed in the smaller municipalities.

4. Municipal Finances

Most of the revenue for the operation of municipal government in Georgia comes from the *ad valorem* (according to value) tax on property. Other sources of revenue are license taxes on businesses, earnings from the sale of water, parking meter revenue, and fines of the recorder's court. A problem of city finance is providing services for those who work in the city but live outside the city and pay no property taxes.

FORMS OF MUNICIPAL GOVERNMENT IN UNITED STATES
CITIES OF 5,000 OR MORE, 1957

Population Group	Total Cities	Mayor-Council	Commission	Council-Manager
Over 500,000	17	16 (94%)*	0 (0%)	1 (6%)
250,000 to 500,000	23	8 (34%)	6 (26%)	9 (39%)
100,000 to 250,000	68	29 (43%)	15 (22%)	24 (35%)
50,000 to 100,000	133-132**	45 (34%)	26 (20%)	61 (46%)
25,000 to 50,000	292-283	108 (38%)	44 (16%)	131 (46%)
10,000 to 25,000	845-800	379 (47%)	123 (16%)	298 (37%)
5,000 to 10,000	11181-1135	720 (63%)	122 (11%)	293 (26%)

Source: U. S. Census Reports; International City Managers' Association. *Recent Council-Manager Developments* (Chicago: 1957) Since 1957 city managers have increased in number.

*The Figure 16 refers to the number of cities utilizing this plan, and the 94 per cent is the percentage of the total cities in this population group using this plan.

**The first figure refers to the total number of cities in this population group, while the latter figure is the actual number used in the table.

FORMS OF MUNICIPAL GOVERNMENT IN GEORGIA

Population Group	Total Cities*	Mayor-Council	Council-Manager
Over 100,000	3	2 (67%)	1 (33%)
30,000 to 100,000	4	2 (50%)	2 (50%)
10,000 to 30,000	17	8 (47%)	9 (53%)
5,000 to 10,000	22	15 (68%)	7 (32%)
2,500 to 5,000	39	32 (80%)	7 (20%)
1,000 to 2,500	94	92 (98%)	2 (2%)

Source: Frank K. Gibson and Ted L. Hammock, *Forms of City Government in Georgia*, The University of Georgia, Bureau of Public Administration, Study No. 10, Athens, Georgia, 1957.

*Georgia is basically a state of small towns. There are approximately 200 incorporated places in Georgia with population of less than 500; there are another 100 with the populations of between 500 and 1000.

Home Rule. The Georgia Constitution has one of the best provisions on home rule for municipalities in the country, but down through 1958, the General Assembly has been unable to agree on a law which would implement the amendment. Over one-half the time of the legislature is spent on local matters about which most of the members can be expected to know little. Georgia's Constitution reads: "The General Assembly is authorized to provide by law for the self-government of municipalities and to that end is hereby expressly given the authority to delegate its powers so that



A METROPOLITAN PLANNING COMMISSION

matters pertaining to municipalities upon which, prior to the ratification of this amendment, it was necessary for the General Assembly to act, may be dealt with, without the necessity of action by the General Assembly. Any powers granted as provided herein shall be subject to general statutes enacted by the General Assembly applicable to municipalities."

As the people of Georgia overwhelmingly adopted this provision in 1954, to get around court objections to home rule by municipalities, it is safe to say that the struggle on the part of local people to control their local governments, with a few laws to protect the larger interest of the state, will continue. About twenty-two states now permit local government home rule.

Originally Article XV of the Constitution was defective, as it required the General Assembly to provide "optional charters." As amended in 1954, it is now a real "home-rule" article; however, it has not been implemented by an act of the General Assembly to make it effective. Home-rule bills have been debated in every session since 1954, but none has passed.

ACTIVITIES AND QUESTIONS

1. What is a public corporation? Charter?
2. What is the difference between a municipality and a county?
3. How does a strong-mayor municipality differ from a city-manager municipality?
4. What form of city government does the city you live in or near possess? How many departments does this city have? What are their names? Who heads these departments?
5. How many city managers are there in Georgia? About how many municipalities are there in Georgia? How many Georgia people live in urban areas? What is an urban area?

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Chapter XIII

EDUCATION IN GEORGIA

1. *Historical Beginnings*

The Beginnings. In the colonial period education was largely provided in the home if anyone in the home was able to teach. Large numbers went without instruction. Private tutors and governesses, costing no more than the earnings of a field hand, were used by the wealthy, and occasionally a son was sent abroad to study. Private and religious schools developed early. The subjects stressed in most of the simple "charity" schools were reading, writing, and arithmetic. Many men who later became famous studied at log cabin "colleges" or academies. Moses Waddel, a classical scholar and Presbyterian preacher, doubled as preacher and teacher at log cabin schools and taught John C. Calhoun, William H. Crawford, Augustus Longstreet, and many others. Tuition and room and board amounted to only a few dollars each month.

In George White's *Statistics of Georgia*, Liberty County, it is noted, had five "academies" with an average of nineteen students each. There were five public schools for the poor. Tattnall County had eight public schools with an average of sixteen pupils each; there were no academies. Most of the academies were found in the coastal area, in the rich counties bordering on the Savannah River, and from Augusta across to Athens and Macon. White was writing just before the outbreak of the War between the States, and at that time the best schools were the private academies found in the plantation areas. People who could not read or write were very numerous, for "a rifle, an axe, and a bag of corn" were the necessities to a frontiersman.

Bethesda College, founded as an orphanage in Savannah in 1739, added in 1764, a "Seminary of Literature and Academical Learning." The Augusta Academy, 1783, is



A COUNTY SCHOOL DISTRICT BOARD MEETING

Board of Education of the Muscogee County School District in Session with Presidents and Representatives of All Parent-Teacher Associations in Muscogee County.

the oldest academy in Georgia. The University of Georgia, chartered in 1785, and opened in 1801, is the oldest chartered state university in the United States. Emory University at Oxford, Mercer University at Penfield near Greensboro, and Oglethorpe near Milledgeville were all established in the 1830's, as church colleges. The old concept of the college was a school for educating gentlemen, preachers, and lawyers. Wesleyan College, founded in Macon as the Georgia Female College in 1836, was the first chartered American college to grant degrees to women.

But all education by no means comes from schools and organized classes. Many private libraries afforded the leisure class opportunities for self-education. The first printer, one James Johnston of Savannah recently arrived from Scotland, started Georgia's first newspaper in 1763. And the full-blooded Cherokee Indian, Sequoyah, invented a phonetic alphabet and started the instruction of the Cherokee nation in the only written Indian language in America.

The Indians purchased a printing press and started a newspaper.

George Lamb started a circulating library in Savannah, January, 1798; the first periodical, the *Georgia Analytical Repository*, began in Savannah, January, 1802. If the early newspapers and magazines were not very successful, neither were most of the schools. The "public schools," so called, were not supported by the state or local governments with any consistency or conviction. They largely survived on a tuition charge, and genuine public schools arrived in Georgia in the twentieth century.

A member of the faculty of the University of Georgia, Richard Malcolm Johnston, wrote to Alexander Stephens in 1861, after the outbreak of the War between the States: "We have but a little over forty students in college. Fifteen or twenty have already gone to war. Last week the Junior Class with Brooke at their head resolved that they could not study and all but six left. Two students left today. More will leave tomorrow. If the war continues, we shall be obliged to do, as they have done in South Carolina College, close up."¹ Before the summer of 1861 passed, seventy-five university students had gone to war and the rest were planning enlistment. At Emory, the Methodist institution at Oxford, an Emory student wrote: "A number of the boys left here last night for Fort Pickens. . . and about 20 leave tonight for Pensacola. . . I think by Friday, the college will be broken up entirely; what boys are not going to the wars, are going home."² At Mercer the Baptist students left gradually, and Oglethorpe's Presbyterian students organized a volunteer corps, and the University closed before the war was over. The Medical College of Augusta was closed in 1863.

The number of academies had increased in the decade prior to the War between the States, and at the outbreak of war real progress had been made. There were 242 academies employing 375 teachers and teaching 11,075 students.

¹Quoted in T. Conn Bryan's, *Confederate Georgia*, (Athens, 1953), p. 216.

²Ibid, p. 217



STUDENTS MAKE USE OF THE LIBRARY IN
OGLETHORPE COUNTY SCHOOLS

The public, or poor schools, mostly elementary schools, numbered 1,752 in 1863, employed 1,884 teachers, and had 94,587 students. The textbooks, coming from the North, could no longer be obtained; therefore, a serious shortage of books developed.

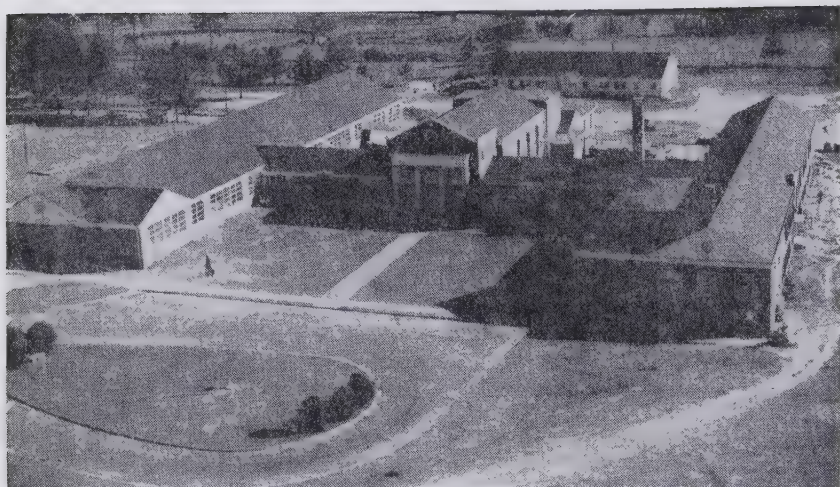
Some of the schools and academies were able to remain open and a few others were started. One such school was founded by Professor Richard Malcolm Johnston who had resigned from the University of Georgia. His school in Hancock County tried a unique experiment—it was based upon a student honor system and became famous throughout the state.

By the 1870's, the South was talking of a new approach to education. Benjamin H. Hill, Henry W. Grady, and others were convinced that the old system of training a few gentlemen, who turned out to be lawyers and preachers almost exclusively, was not enough. Hill said Georgia should develop her resources by teaching science and business and callings other than law, medicine, and theology. Slave labor

had led many southerners of great ability into the habit of deriding physical labor to the detriment of the South. But it was a Maryland institution, Johns Hopkins University, founded in 1876, that sent faculty members abroad to learn the value of research and to return to revolutionize education in America. Although Georgia institutions reopened after the war, their programs were less than strong for some years. But the principle of tax-supported education was now genuinely accepted, and education gradually was re-established. Congress had passed the first federal aid bill on education in 1862, the Morrill Act, and white and Negro colleges profited by this act. In 1871, the state received 272,000 acres from the national government to be used for educational purposes. But by 1880, the illiteracy rate in Georgia among the white people still was 23 per cent and 82 per cent among the Negroes. Atlanta University was already a famous private Negro institution.

Although General J. R. Lewis was called state school commissioner (1870), more accurately, Gustavus John Orr can be said to have functioned as Georgia's first school commissioner in 1872. Before Orr's death, in 1887, he had built the foundation for a good public elementary school system. It was not until later that state support was granted high schools. In 1937, the state undertook the support of a seven months' school term and inaugurated a free textbook program. Equal education for all Georgia students was on the way, though not yet complete. Education has been compulsory since 1916. This has greatly increased the number of children enrolled in our schools.

The Georgia Institute of Technology was founded in 1885, and was established in Atlanta. In 1889, the legislature provided for the first state college for women, in Milledgeville, and later named it the Georgia State College for Women. Its primary purpose was to train teachers and teach business skills, such as bookkeeping and stenography. In 1890, the Georgia Industrial College for colored youths was located in Savannah. Fort Valley was founded as an industrial school for Negroes in 1898.



MARVIN PITTMAN NURSERY SCHOOL,
GEORGIA SOUTHERN COLLEGE

Two world wars since the turn of the century have left their mark on education in Georgia. In both wars the institutions of higher learning co-operated in training men as specialists for the armed services. And in World War II numerous contracts between Georgia colleges and the national government converted the colleges, in some instances, virtually into army and navy training camps. Normal conduct of schools and colleges was impossible.

The rush of veterans back to the schools and colleges for education and training under veterans' benefits brought a seriousness of purpose to the campus probably never before seen. The national government's financial assistance to help educate veterans also aided the country in producing doctors, lawyers, scientists, and numerous other specialists, all in serious short supply because of the war.

Since World War I and World War II education in Georgia has undergone phenomenal expansion. The Minimum Foundation Program, developed in large measure by O. C. Aderhold and the State Department of Education,⁴ is the most significant new development in public education.

2. *Our Public Schools Today*

Today almost one million students (one-fourth Negro) are in public elementary and high schools of the state, taught by more than 30,000 teachers. In 1957-58, 43,135,000 students were in the public schools of the nation. For the thirteenth straight year this number was increased, and the shifting about of school children in Georgia is a phenomenon never before witnessed. The state public school plants at present are valued at \$500,000,000 and the cost of yearly operation is \$140,000,000. Millions more each year are spent on new buildings. Under the Minimum Foundation Program for Education, as the current state program is referred to, schools are allowed an increase in their teachers even at mid-year if a large increase in enrollment justifies it. Indicating the tremendous movement of population from country to city, twenty-five counties were entitled to an over-all increase of 922 teachers in mid-1958.

Special Schools. In addition to numerous special programs in the regular public schools, the state has specialized institutions in the North Georgia Trade and Technical School at Clarkesville and the South Georgia Trade and Technical School at Americus. The two school plants are worth more than \$1,000,000. They recognize the need for training of skilled workers in a state that is rapidly industrializing and expanding all kinds of service enterprises.

The Georgia Academy for the Blind was organized in 1851, and is located in Macon. The academy enrolls about 175 students. The Georgia School for the Deaf at Cave Springs was organized in 1848, and has over 300 students at present.

The State Board of Education. Georgia's State Board of Education is composed of ten members, one member from each congressional district appointed by the governor and confirmed by the state Senate for seven years with overlapping terms. The governor cannot serve. Unexpired terms are filled by the board by secret ballot for a term ending with the end of the next or current General Assembly. School

employees are disqualified from board membership and no employee of a schoolbook publishing concern is eligible. This board provides the rules and regulations for the supervision of all public schools. They meet with the state superintendent of schools.

The State School Superintendent. At the same time the governor is elected, the voters elect for a four-year term the state superintendent of schools. He is the executive head of the State Department of Education. To qualify as a candidate he must have at least three years' experience as a teacher, or a diploma from a college or normal school, or five years' experience in supervision of schools. He must be at least thirty years of age.

The superintendent enforces the rules and regulations of the board and the laws governing the state public schools. He receives reports from the county superintendents, and makes a report every two years to the Georgia General Assembly, accounting for all funds and property. He provides detailed data on students and teachers, including number, sex, and color for each grade, cost per student in each county, number of children of school age, and plans for improvement of the schools.



THE GEORGIA STATE BOARD OF EDUCATION
Francis Shurling of Wrightsville was absent at this meeting.



CLAUDE PURCELL, STATE
SUPERINTENDENT OF SCHOOLS

County Board of Education and County School Superintendent. The county board of education, as set up in the state Constitution, is composed of five members elected for terms of five years by the county grand jury. The superintendent is elected by the county voters for four years except in those counties electing the superintendent by the county board of education. In those counties the board is elected by the voters. By amendments to the Constitution more than thirty counties have departed from the uniform school practices set up in the Constitution and many more can be expected to change their system in the next few years. A few city school systems are operated independently of the county school superintendent but the number is growing smaller. Georgia is one of twelve states using the county school district. Twenty-seven states use "common" school districts created for school purposes with separate control officials. The most important movement in local government in recent years is school consolidation.

Private Schools. Several private elementary and high schools are in the state. St. Vincents and Benedictine of Savannah, Catholic schools; Westminster of Atlanta, a Presbyterian school; Georgia Military Academy, College

Park; Riverside Military Academy, Gainesville; and other private and religious schools are found in some of the cities.

Textbooks, Libraries, and Transportation. Before the free textbooks are approved for use in the schools, they must be submitted to a professional committee composed of superintendents and teachers. They are then examined by the State Board of Education. More than one book may be "adopted" in a field.

Library books are selected by the local school system from the Georgia library list. The average rural school library has about 5,000 books, although many have several times this number. Over 4,000 school buses travel over 200,000 miles each day, carrying over 300,000 students to and from school.

Accreditation by the Southern Association. A number of schools scattered throughout the state meet the high standards of the Southern Association of Colleges and Secondary Schools.

Attending accredited high schools are 110,027 white students. The Southern Association has accredited 182 white public high schools and sixteen private schools, a total of 198 high schools. The average number of teachers in each school is twenty-five and the average enrollment is 556.

Thirty-one public Negro high schools and no private ones are approved by the Southern Association. These schools have an average of 27 teachers and 623 students in each. The total number of Negro students is 19,336. All these figures are from the latest available report, 1956.

*Colleges and Universities—Number and Enrollment—October, 1957.*³ Of the forty-eight colleges and universities in the state of Georgia, sixteen are state supported. All institutions together in the fall of 1957 enrolled 45,645 students; of this number 30,297 were men, and 15,348 were women. The sixteen institutions in the University System of Georgia enrolled 31,714 students. About 6,500 of the

³Most of the enrollment figures are from Circular No. 518, U. S. Dept. of Health, Education, and Welfare.



A STUDENT COUNCIL ELECTION AT A GEORGIA UNIVERSITY

students in private and public colleges are Negroes. Some 500 foreign students attend Georgia colleges.

Under 1958 legislation the Junior College of Augusta and Armstrong College of Savannah were placed under the State Board of Regents, bringing the state colleges to a total of eighteen. The additional 1,473 students brought the total of students in state institutions to 33,187. Another state institution has been created in Columbus. Albany, Rome, and several other localities are also considering the move. Under state law (1958) a city or county can secure \$300 per student a year for operating an accredited community junior college.

Those states which touch Georgia can be used for comparison. Florida, with twenty-three institutions, has 53,440 students, over 34,000 of whom are in three leading universities. Florida is growing at such a rapid rate that she is building six new junior colleges and enlarging five others.

Alabama with twenty-six colleges has 41,534 students enrolled. Over twenty thousand are in two institutions.

Tennessee with forty-four colleges has 54,030 students. Of this number, 14,602 are at the University of Tennessee.

South Carolina has thirty colleges and 27,915 students. All the colleges are small.

Georgia and Tennessee with many small colleges bring education close to all students—in fact, this is generally true in many states. In Georgia over 90 per cent of the qualified high school graduates are within a few miles of college courses at the junior college level.

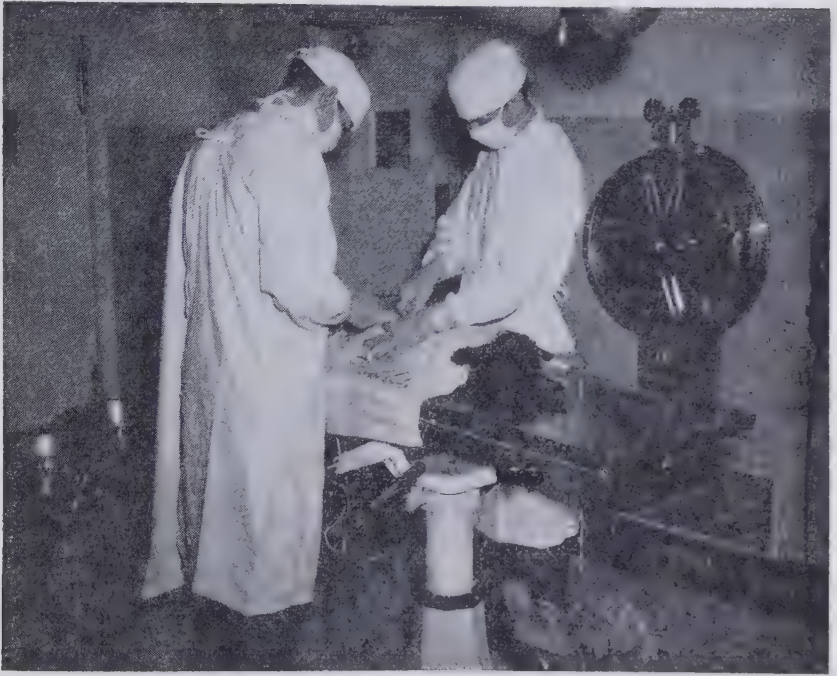
The six largest senior colleges of Georgia (6,500 students down to 830) are all small when compared with other institutions outside the South, and when compared with many of the institutions in the South. The largest institutions in the state are the University of Georgia, Georgia School of Technology, Georgia State College of Business Administration, Emory University, Mercer University, and Savannah State College, named in descending order.

University System Board of Regents. The government of the church-affiliated and other private colleges varies in government and control, but the University System of Georgia is governed by a Board of Regents.

The board has fifteen members appointed by the governor, one from each congressional district and five from the state at large with overlapping terms. Permanent offices are in Atlanta and the executive officer and co-ordinator of the University System is the chancellor. Each separate institution has a president who reports to the chancellor. All officials and faculties are elected by the board on recommendation of each president and the chancellor.

Accreditation of Private and Public Colleges. Sixteen white senior colleges and universities and fourteen white junior colleges are accredited by the Southern Association. Nine Negro senior colleges have accredited status.

Southern Regional Education Board. On February 8, 1948, the governors of fourteen southern states signed the Southern Regional Education Compact setting up the Southern Regional Educational Board. This was the first such compact in the United States, but since 1948, other regions have adopted the southern plan to meet educational needs in other parts of the country.



VETERINARIANS OPERATING UPON A DOG

The state of Georgia trains veterinarians for Georgia, South Carolina, North Carolina, Maryland, and Virginia under the Southern Regional Education Board Co-operative Plan.

The membership of the board consists of the governors of each co-operating state and three citizens from each state appointed by the governor. Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia are the sixteen present members.

The movement is the most significant development in southern education in the past generation. It is already assisting the South in providing high quality expensive education in fields that would be difficult, if not impossible, for individual states to provide.⁴ It includes the education of

⁴The SREB has set up the Southern Regional Council on Mental Health Training and Research and is developing a dramatic regional program in co-operation with, and aid from, the national Institute of Mental Health, a federal agency. Read R. M. Cooper "The South Makes Nuclear History," *State Government*, July, 1957, for another interesting development.



UNIVERSITY OF GEORGIA SCIENCE CENTER

Negro and white students and originally covered the expensive fields of medicine, veterinary medicine, and dentistry. Other fields have been added.

Under this plan the Meharry Medical College of Nashville, Tennessee, trains Negro doctors for all the compact states desiring this service. In this way one excellent institution can be provided by the financial co-operation of the states instead of several inferior institutions. The University of Georgia provides professional training for veterinary medicine students from Maryland, Virginia, and North Carolina, and a part of those from South Carolina. A quota is set up for each state and the participating states pay Georgia a sum of \$1,000 for each student, in addition to the fees paid by the student. The state of Virginia, for illustration, pays Georgia \$1,000 for each veterinary medicine student accepted from Virginia. Veterinary medicine is a very expensive degree program.

The Southern Regional Education Board has an executive staff with headquarters in Atlanta. This staff has constantly under way a number of regional research studies. Many studies have already brought great benefits to the region. The purpose of the board is to assist southern ". . . states and institutions and agencies concerned with higher education in their efforts to advance knowledge and to improve the social and economic level of the southern region." Special emphasis has been placed on expensive professional and graduate training.

From our state, Emory University is in the contract programs to provide dental and medical training. The following institutions have contract programs in veterinary medicine: Agricultural and Mechanical College of Texas, Auburn University of Alabama, Oklahoma State University, University of Georgia, and Tuskegee Institute. The Georgia Institute of Technology is participating in city planning under what is called a memorandum of agreement with three other states. Georgia Tech and the University of Georgia are members of the research library agreement. The University of Georgia co-operates in forestry and statistics, and Emory University has joined the agreement in nursing training.

Mass Education. Never before in the history of mankind has any nation placed such confidence in mass education. The goal for educating all people is yet to be reached, but universal education through high school as an ideal has become a part of our heritage. Russia unwittingly has paid America a high compliment by imitating our mass education.



A SEMINAR IN THE SCHOOL OF BUSINESS ADMINISTRATION,
EMORY UNIVERSITY

In Russia at the secondary level the program is intended to produce technicians; and at the higher levels, engineers and scientists, in quantity to serve the state. Eliminations of unqualified students for advanced training are more severe than in the United States, but not as severe as in France, Germany, and some other European countries. Marion B. Folsom, the Georgia-born former United States Secretary of Health, Education, and Welfare, speaking in Atlanta on March 17, 1958, said that the Russians operated their schools six days a week and were investing a larger share of their funds and effort in education than the United States. He continued, "In the long run this competition in education could be the crucial factor in preserving our freedom."

Education for tomorrow will make extensive use of television, radio, kinescopes, movies, and other instruments of communication. Several crowded colleges of the nation already are offering credit courses by television. The colleges must begin a closer search for those students who are mature and can adapt themselves to independent study. The able student in a democracy should accept the challenge to serve his community as best he can by securing the best education he can get. Each year in the United States, 200,000 of the most brilliant students drop out of school short of college, and in Georgia 40 per cent of the upper quarter of the graduating high school classes do not go to college. Even if the colleges could always identify those who love learning and have unusual intellectual capacity, the problem of finding the ones who would spend the long arduous hours of daily work that it takes to make a real scholar in any field would still remain. The country and the world need scholars in all fields, as never before. America believes that the country and the free world will benefit most from intellectual effort nourished in a voluntary, free environment. "In a republic ignorance is a crime."

ACTIVITIES AND QUESTIONS

1. What were log cabin colleges?
2. Where were most of the private academies located in Georgia prior to the War between the States?
3. Name the colleges and universities established in Georgia prior to 1840.
4. How many students were in public or poor schools in 1863?
5. What educational innovations did Benjamin Harvey Hill suggest?
6. Who was Sequoyah? What did he do?
7. What was the Morrill Act?
8. What was the Georgia illiteracy rate in 1880?
9. Ask your principal or some school board member to explain the Minimum Foundation Program to your class.
10. What special schools are supported by Georgia?
11. Describe the qualifications, term, and duties of the state superintendent of education.
12. How is your county board of education selected? Your county school superintendent?
13. How many college students were there in Georgia in 1957? How many of these were Negroes?
14. What is the purpose of the Southern Regional Educational Board?

FOR FURTHER STUDY

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Chapter XIV

THE GEORGIA HEALTH PROGRAM

1. *The Georgia Department of Public Health*

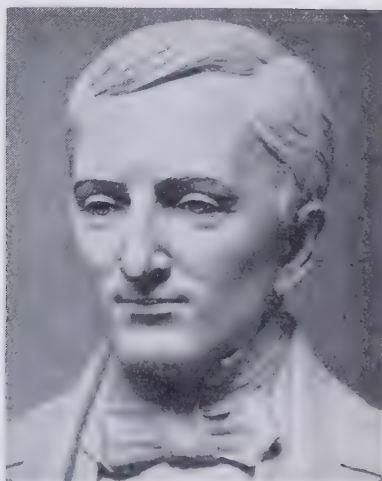
The Anthropological Institute of Great Britain and Ireland in 1872 commented that “. . . considerable changes have . . . taken place in the average duration of life in England during the last hundred years. At the early part of this period it was 28 years. According to more recent tables it was 32 years; and it has been calculated that it may fairly be expected to extend to 40 years.” This statement was quoted by Dr. T. F. Abercrombie, Director Emeritus, Georgia Department of Public Health, in his *History of Public Health in Georgia*. In the same source Edward Mallet is quoted as observing that the expectation of life at birth, based on Geneva mortality records, was 21.21 years for the sixteenth century; 25.67 years for the seventeenth century; and 33.62 years for the eighteenth century. In the United States the life span had been increased to about 67 years by 1959, and people were living to die of heart disease, cerebral hemorrhage, nephritis, and cancer rather than meeting death at an early age from typhoid, malaria, tuberculosis, pneumonia, and other communicable diseases. However, the latter are still serious health problems.

In 1817 Georgia foreshadowed the modern pure food and drug acts by passing a law prohibiting the sale of unwholesome meat, bread, and liquor. Georgia also provided by law in 1843 for free smallpox vaccine. The first Board of Health created in 1875 failed to function effectively and died. The severe yellow fever epidemic in Savannah in 1876 and other major epidemics and illnesses gradually brought some public action here and there.

Savannah appointed the first local health officer in 1888. The Georgia General Assembly established a State Board of Health in 1903 and it met for the first time in the state capitol on September 10, 1903. The yearly appropriation

CRAWFORD LONG

Doctor Long was one of Georgia's health pioneers.



was \$3,000, and \$2,000 of this amount went to pay the executive secretary, Dr. Henry Fauntleroy Harris of Atlanta, Georgia. Dr. Harris was succeeded by Dr. T. F. Abererombie as chief executive of the Department of Public Health. Rapid progress occurred under Dr. Abererombie. By 1937 the total health budget including federal grants was approximately \$1,000,000.

In the year 1935 the "New Deal" passed the Social Security Act; provided state aid to the aged, unemployed, and dependent children; and made it possible to assist states in public health work, and maternal and child health services.

In 1937 social security grants from the Federal Government also went to counties for health work. Maternal and child health programs were expanded in Georgia and a fight was opened on venereal diseases with free drugs available.

Cancer control clinics were established by the Georgia department in 1937. Work in typhoid reduced the deaths from 139 in 1937 to 9 in 1947, and deaths from malaria dropped from 329 to 13. Drugs and a health department to encourage their wide-spread use was the successful combination. The year 1937 also saw expansion and reorganization of the dental health unit of the State Department of Public Health.

By 1940 there were fifty-five Georgia counties operating health services covering 60 per cent of the population, and by 1941 all were receiving federal and state aid.

In 1943 the state set up a Board of Agricultural and Industrial Development to survey the state's resources. As a part of this study a survey was made of the health resources. The state appropriation for the Department of Public Health was raised from \$600,000 to \$2,100,000. This great surge forward was attributed by Dr. Abercrombie to the thorough county-by-county study, the assistance of an advisory council to the State Board of Health, many citizens' organizations, and the support of the state auditor.

This expanded program included a project for hospitals and health centers. Dr. Abercrombie believed that Georgia's program influenced a very similar federal program written into law in 1946 under the now famous Hill-Burton hospital and health center construction program. Since 1946, with federal assistance, over sixty new hospitals have been built in Georgia, plus numerous additions and improvements. Also, over twenty public health centers or additions, and



A STATE-LOCAL HEALTH PROJECT

The state co-operates with local governments to improve the health of the people by providing better facilities.

over seventy auxiliary centers have been constructed. At present there are thirty-one public health centers and eighty-one auxiliary health centers. Twenty-seven of the former and seventy-three of the latter received federal financial aid.

The great upsurge in demand for local public health work led Dr. Abercrombie and his associates to discourage the small county as a health unit. Georgia was one of the first states to authorize multi-county health departments as well as single-county departments for the larger counties. Health authorities, explained Dr. Abercrombie in his history, have found that an efficient local health department “. . . should consist of one medical officer to each 50,000 population, a public health engineer or sanitarian to each 20,000, a public health nurse to each 5,000, and sufficient clerical personnel, or one to each 15,000 to 20,000. To this could be added one or more part-time medical clinicians, a part-time dentist, a public health educator, and a nutritionist. The State Health Department adopted the policy of giving financial assistance on this basis.” By 1947 there were eight two-county, ten three-county, and two four-county health districts. Understaffing of local units meant there was a shortage of physicians, nurses, and sanitarians in local health departments in 1947. These shortages have continued.

But our story is primarily concerned with the current operation of the Department of Public Health. However, the student needs to be conscious of the great impetus given to health work in the 1930's and 1940's. Dr. T. F. Sellers has continued the high standards of the two former executives, and the Department of Public Health probably is administered with less political interference and more regard for merit system regulations than any department of state government. The health service to Georgia people is still inadequate, but this is largely due to a lack of funds. The department has insufficient police power to enforce its regulations, but approval or disapproval through inspections is reasonably effective.



HOME VISITATION BY A HEALTH NURSE

The State Department of Public Health aids in health development by providing many services.

In *Georgia's Health*, a free monthly publication of the Health Education Division of the Georgia Department of Public Health, the department points out that most of the preventable diseases have been brought under control. Communicable or infectious diseases, however, have a way of persisting and cannot be ignored. Diphtheria, for instance, showed an increase in 1957 over 1956. But emphasis since World War II has been on typhus fever, venereal disease, and in developing better programs in the areas of mental health, school health, crippled children, and maternal and child health programs.

Some diseases have just about disappeared due to improvements in drugs and preventive medicine techniques. One, pellagra, seems to be a disease of slim pocketbooks and is caused by dietary deficiencies. There were 781 deaths from

7. Laboratory Service: Division of Laboratories
8. Local Health Service: Divisions of Public Health Nursing and Local Health Organizations, and Regional Offices

The *Annual Statistical Report* for 1958 lists 2,776 people working for health services; 623 for the state, 879 at Battey State Hospital, and 1,274 for local health services. Almost half the state employees were technical or professional persons. At the local level on January 1, 1959, employed were 32 physicians, 536 nurses, 210 sanitation personnel, and 496 clerical and other people.

3. Division of Vital Records

You will one day need your birth certificate for employment, to enter the armed forces, to secure civil service employment, to receive veterans' or social security benefits



INOCULATING A CHILD AGAINST DISEASE

This child is being given a three-way protection against diphtheria, whooping cough, and tetanus.

or welfare services, or to get a visa or passport to go to foreign countries.

A death certificate is needed for insurance, legal, governmental, and pension purposes. Before you consider entering many businesses you may need to study economic and social conditions of a city, county, or section of the state.

All these records plus statistics on the incidence of disease and disease controls, population trends, and other important data are maintained by the Department of Public Health. The department has handled records of over two million births, over one million deaths, and many other vital events.

The records for 1957 included 99,355 live births recorded and over 35,000 deaths; 51,235 marriages were recorded and 8,751 divorces. Thousands of verifications of birth records for school and other purposes were made. Out of 51,235 marriages an amazing 18,026 were performed for couples who lived outside the state. Georgia's marriage laws were changed in 1958 to require people under twenty-one years to wait three days after license application to marry. A blood test before marriage has been required for years.

4. Division of Maternal and Child Health

Education of parents in groups has been stepped up. Midwives are being instructed and certified, but the program has been expensive and inadequate according to the 1957 annual report.

Nutrition instruction was provided for many groups including small hospitals, juvenile detention homes, and restaurant personnel.

Infant health centers were expanded. A department staff pediatrician perfected an economical incubator for premature infants. The department equipped itself to do Rh factor testing and blood group tests on prenatal cases. Premature deaths declined as did infant mortality.

The department provides local communities with appraisals of their maternal and child health needs. Consultations have been provided for hospitals to aid them in

improving “. . . facilities, policies, practices, and services for mothers and new-born infants and children.”

A department physician devotes his time to a program of prevention and early detection of the mentally retarded children. The Children's Bureau of the United States Department of Health, Education, and Welfare has assisted this Georgia program with additional financial assistance.

5. *Division of School Health*

The Division of School Health trains those who administer the hearing and vision tests to school children. In the year 1956-57 the results were as follows:

Hearing Tests	89,329	Failures	4,579
Vision Tests	161,398	Failures	13,427

Source: 1957 *Annual Report*, Georgia Department of Public Health.

Clinics for diagnosis and treatment of hard-of-hearing children are organized over the state.

A co-operative program between the Departments of Education and Health has much improved the health of school children since the passage of the Ellis Health Law in 1914, but there is still much work to be done.

The purposes of the school health program are stated in the *School Health Guide*, a joint publication of the Georgia Department of Public Health and the Georgia Department of Education.

The school health services should promote:

1. Normal growth and development; establishment of desirable health habits and attitudes in children.
2. Health appraisal of all school children, including physical examination by physicians and dentists; screening procedures and tests; inspections; and teacher observation.
3. Follow-up program to insure correction of defects by family; aiding individual and family to live effectively with non-remedial defects; and obtaining appropriate adjustments of the school program to meet the needs of the child with non-remedial defects.



TEACHING GOOD HEALTH PRACTICES

One of the most important services furnished by the various health departments is teaching good health practices.

4. Information about new health and scientific discoveries.
5. Information and guidance for the individual child's health.
6. Protection against health hazards, including communicable disease control, environment sanitation, and accident prevention.

The Department of Public Health offers special assistance to high schools in mental hygiene, nutrition, and parent and baby-care education. The local regional and state offices can help high schools secure pamphlets, films, demonstrations and consultations on public health.

The Department of Public Health provides the training for school personnel for vision and hearing tests. School dental inspections are discouraged by the department as they are less effective than careful dental examinations in an

office with adequate facilities. The *School Health Guide* advises parents to keep sick children at home in the interest of the individual and of other school children. The school should be prepared to transport sick or injured children to the home, hospital, or doctor if parents are unprepared for such emergencies. All teachers should have training in first aid to care for routine accidents. Although teachers cannot give medication, they may provide simple external applications used as first aid. At least one person in the school should be available to handle more serious school accidents. All school children should be trained in first aid. First-aid kits should be maintained in the school and smaller kits should be in every classroom and laboratory, and other strategic locations. These kits should be checked often.

Although school lunchrooms are operated by the school, the health service provides sanitary supervision. "Any person having an infected wound, ulcer, pimple, or 'open sores' should not be permitted to handle food."



HEALTH GUIDANCE

Toys are often used to test the abilities of children and to teach good health habits.

The *Handbook*, in commenting on physical education and recreation as a part of the health program, makes this statement: "A program that includes all children must consider in that word 'all' the timid, the aggressive, the mentally retarded, the exceptionally bright, and the physically handicapped."

6. Mental Health Division

The passage of the national Mental Health Act in 1946 led to nation-wide interest in the early detection and correction of mental disorders. Child guidance clinics or mental hygiene personnel were found in Bibb, Chatham, De Kalb, Muscogee, Floyd, Cobb, and Glynn counties in 1958; three or four other counties were expected to add such personnel soon.

Over thirty counties provide mental patients and their families with some instructions through public health nurses. The Talmadge Hospital in Augusta, the Macon Hospital, and the Medical Center in Columbus are prepared to give intensive short-term psychiatric treatment to those who might otherwise have to be committed to Milledgeville State Hospital.

This Division of Mental Health has held workshops on juvenile delinquency with various groups, including policemen. The emphasis on mental health is detection and prevention of mental disorders, but there is also a great need for expanded psychiatric patient-care in the hospitals.

On April 24, 1959, Governor Vandiver by executive order transferred the Milledgeville State Hospital from the State Department of Public Welfare to the State Department of Public Health. This hospital for mentally ill persons was accepted by the State Board of Health on May 7, 1959.

Of the 12,000 patients in the Milledgeville State Hospital perhaps as many as 4,000 should be in other institutions, and not in a hospital for the seriously mentally ill. Among the 4,000 who should not be in the Milledgeville hospital are the senile patients and non-psychotic alcoholics. Only forty doctors are attempting to care for the needs of

the patients in this largest mental hospital in the world.

In assuming responsibility for Milledgeville Hospital in May, 1959, the governing body said: "The Board recognizes the fact that improvements are needed in screening, treatment, and care of the mentally ill people of the state . . . and the board expects to move with speed commensurate with funds available and make such changes in operation . . . (as) experience in the field of mental health indicates."

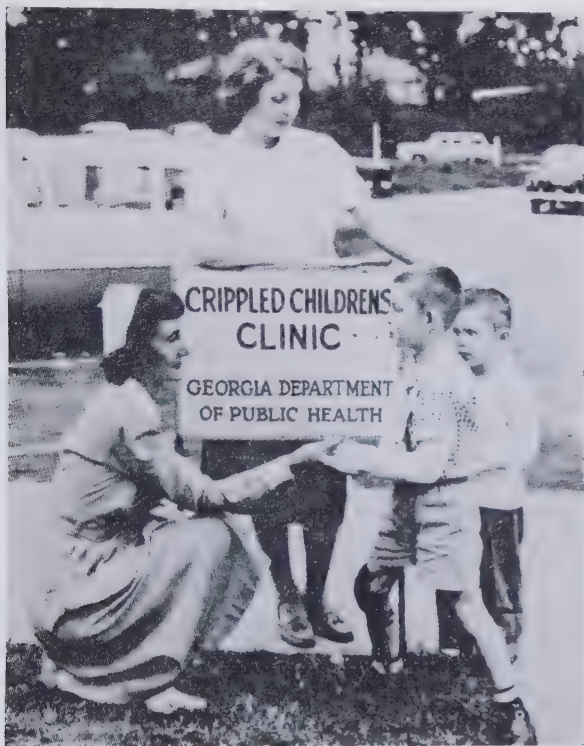
An investigating committee of the Medical Association of Georgia in April, 1959, had made an exhaustive study of conditions and needs of the mental hospital and made recommendations for the immediate and long-range mental health care program of the state.

7. *Division of Crippled Children*

After operating in the Welfare Department for thirteen years the Division of Crippled Children was transferred in 1951 to the Department of Public Health. This service arranges for medical care for children and young people with physical handicaps that can be corrected by such aids as orthopedic surgery (bones, joints, muscles); plastic surgery (harelips, cleft palates, malformed ears, scars, burns); treatment by a cardiologist; and other aids for children whose parents are unable to pay for such expensive medical attention.

By 1958, clinics for crippled children had been organized in Macon, Albany, Atlanta, Augusta, Columbus, Cordele, Savannah, Thomasville, and Waycross. For example, the clinic in Macon serves fourteen surrounding counties. An orthopedic surgeon and pediatrician are on the medical staff, and a nurse and clerks are assigned to the Macon regional office. Psychologists, physical therapists, and speech therapists are used as consultants in clinics.

As rapidly as facilities are expanded, children are referred increasingly to the crippled children's program.¹ In one recent year the number of children treated increased from sixty to two hundred a month.



CRIPPLED CHILDREN'S CLINIC

The state provides clinics where crippled children may be treated for physical defects.

8. *Divisions of Industrial Hygiene and Occupational Health; Accident Prevention Unit*

The personnel of the Division of Industrial Hygiene evaluates industrial health problems to improve what is called "environmental sanitation in industry." In the reporting year 1958, 185 establishments, employing 22,137 workers, were investigated.

The scientists test air in industries for harmful dust and poisonous gases. Radiation is measured. Now that two nuclear reactors are under construction in the state, the radiological health activity is being expanded. Hospitals are examined for radiation hazards from X-ray, radium, and radioisotope usage.



HIGHWAY ACCIDENT PREVENTION

The Georgia State Patrol promotes safe driving and the prevention of highway accidents.

As accidents are the greatest single cause of loss in the most productive years of man's life, an "accident prevention unit" employs, full time, three professional personnel and two clerks. Research and surveys into the causes of accidents and the dissemination of educational information on prevention are provided. The results of a survey on lawnmower injuries were publicized. In 1958 an evaluation of Georgia traffic accident records was carried on with the financial aid of the National Institutes of Health.¹ Each year there are more than one thousand traffic fatalities in Georgia.

Occupational diseases in industries are studied and information disseminated. Workshops are conducted for industrial nurses. Some subjects explored include, "Returning the Cardiac to Work," "Safety," and "Workmen's Compensation."

¹On May 18, 1959, Atlanta, Georgia, became one of the few cities in the nation to provide a medical advisory panel to give physical and mental examinations to traffic offenders at the discretion of Atlanta traffic court judges.

9. *Division of Public Health Engineering*

The Division of Public Health Engineering inspects eating establishments, refuse collections and disposals, water impoundments, tourist courts, trailer parks, tourist homes, dairies and milk plants, hospitals, nursing homes, adoption and boarding homes, public housing, plumbing, insect control, hydroelectric developments, rodent control, summer camps, state parks, and commercial and industrial developments.

Garbage areas, improperly policed, can be the source of rat-spread typhus. The fleas on the rodents are a typhus menace. Many other dangers are reduced by health engineers. This division of public health has had to give an



SEWAGE DISPOSAL PLANT IN ATLANTA

The worker is operating a valve which controls the flow in this settling tank. The state aids local government in proper methods of waste disposal and water purification.

increasing amount of time to the crowded areas just outside the city limits. In these areas, where urban services are sometimes not supplied, live 800,000 Georgians, creating dangers from individual wells, septic tanks, improper garbage disposal, and the like.

Conferences on the proper handling of food were held in twenty-one counties during the 1957 reporting year. The Department of Public Health issued over 1,400 impounded water permits for 1957. A number of oyster-growing waters were examined for pollution.

In the drafting and photography laboratory, the engineers also made several thousand maps, charts, slides, mountings, and the like. Color photography has recently been added for more efficient planning.

10. *The Division of Water Quality*

The Division of Water Quality, with the co-operation of local governments, industries, citizens' groups, and individuals, is now approaching a thirty-year record of no water-borne disease from public water systems. Liquid waste from industries is a problem in stream pollution, but the Water Quality Control Act of 1957 is designed to strengthen the quality rules and regulations of the Department of Public Health.

Sewage systems, approved by the department, aid in reducing the incidence of hookworm, typhoid fever, and dysentery. In a state-wide program 22,700 samples of water were made. Plans and specifications for dozens of water supplies and sewage works are examined each year.

11. *Division of Epidemiology (Cancer Control and Veterinary Activities)*

Epidemiology refers to the medical science of the treating of epidemics. Morbidity refers to sick rates or the amount of sickness. Two hundred sixty-seven cases of dysentery were reported in 1957. Influenza increased in the fall of 1957, and diphtheria was found to be higher in 1957 than in 1956. Morbidity rates of most contagious diseases have



GIVING A DOG A RABIES SHOT

The State Health Department aids veterinarians in clinics to reduce animal rabies through vaccination.

dropped phenomenally as indicated by statistics of the State Department of Health.

The cancer cases diagnosed and treated in hospitals were about the same in 1957 and 1958. There were twenty state-aid cancer clinics in Georgia in 1958. Some cancer cases are referred by the Department of Public Health to the Talmadge State Hospital at the Medical College of Georgia so that the different types of cancer can be studied at this teaching hospital.

Although heart disease is the principal cause of death in Georgia, cancer claimed the third largest number of victims, 4,107. Cancer was the second greatest killer for people of the ages from twenty-five to sixty-four.

Wildlife rabies in southeast Georgia during 1956 and 1957 and among dogs in Atlanta in 1958 kept the incidence rate for rabies high.

Undulant fever is more prevalent in Georgia than in some other states because Georgia is one of the largest hog-producing states. One of the principal sources of infection is hogs. Another source of infection is milk from cows. There were twenty-three known cases of undulant fever in 1957.

IMMUNIZATIONS BY LOCAL HEALTH DEPARTMENT PERSONNEL

	1958	1957	1956	1949
Diphtheria	8,405	6,414	5,668	27,607
Pertussis	904	856	3,424	12,742
Triple Vaccine DPT	130,765	137,029	114,487	41,315
Smallpox	85,057	74,471	70,584	88,434
Typhoid	138,712	151,780	167,106	419,633
Polio Immunization	111,453	298,564	393,809	0
Polio Boosters	128,380	296,199	134,369	0

Source: *Annual Statistical Report*, Georgia Department of Public Health, 1958. This report was released March 31, 1959.

The monthly statistical bulletin of the National Health Information Foundation, in March, 1959, reported that over one half the population under forty years of age had not received immunization from polio. The number of cases of paralytic polio in the United States rose in 1958, after declining each year since the introduction of Salk vaccine in 1955. "Public apathy about the injections may be an unfortunate result of scientific progress," said George Bugbee, president of the foundation. "Recent advances against polio have been so striking that many people look upon it as a disease of the past."

12. Division of Tuberculosis Control

Tuberculosis remains the most dangerous of the contagious diseases. It requires expensive treatment when discovered late, yet under 10 per cent of the active cases are discovered in early stages. This is true in spite of mass X-ray surveys and other types of tests for tuberculosis in the schools, colleges, industrial establishments, prisons, and in communities generally. The Department of Public Health will

lend mobile equipment to local health units and X-ray films are supplied as far as possible on a limited budget; and in all cases at a minimum cost. In 1958, tuberculosis clinics were found in widely scattered areas around the state. In 1957, out of a total of 13,972 cases on the Central Tuberculosis Case Register, 2,179 cases were hospitalized. There are many active cases at homes which should be hospitalized, and there are empty beds at the modern Battey State Hospital.

Coughing and sneezing germs into the air is probably the most common way of transmitting the disease, but it is also spread by kissing and by the use of contaminated dishes and other objects in the home and in public places.

13. *Battey State Hospital*

In 1946 the State Department of Public Health completed arrangements with the Federal Government to secure the military hospital at Rome for the use of Georgia tuberculosis patients. The Battey State Hospital has facilities for 2,200 beds. The patients at the State Tuberculosis Sanatorium at Alto were all transferred to Battey, and Alto was converted to a new-type hospital. With improved facilities and at the same moment the general availability of antibiotic streptomycin, the death rate dropped phenomenally. In 1922, 92.6 per 100,000 Georgians died of tuberculosis. In 1949 the rate had dropped by two thirds and in 1958 the death rate was only 7 for each 100,000 persons. But in spite of this, the number of cases reported each year is about the same. Hospitalization, now that facilities are available, is for long terms, although the hospital stay has dropped for individuals from over 600 days in 1949 to 295 days in 1958.

The admissions to tuberculosis hospitals in 1958 were 1,788, the highest in the history of the hospitals. Only 37 per cent had advanced cases, a slight drop over the previous year. Of the admissions, twenty went to Muscogee County Sanatorium, eighteen to Savannah Sanatorium, and the remainder went to Battey. In 1957 the daily patients at Battey



BATTEY STATE HOSPITAL

Georgia is making a determined effort to stamp out the disease of tuberculosis. One place of treatment is Battey Hospital.

averaged 1,336 at a cost of \$8.40 a day for each patient. Battey Hospital is the largest tuberculosis hospital in the world.

14. *Private Physicians and Dentists—Total Hospital Beds*

According to the Medical Directory of Georgia Statistics, 2,548 Georgia physicians were in private practice on January 1, 1959; or one physician for each 1,515 people. Eleven counties were without physicians.

In 1958 the statistical report of the Department of Public Health lists 968 dentists; or an average of one dentist for every 3,989 people. Forty-six counties in Georgia had no dentists.

There were 628 certified midwives in Georgia on January 1, 1959.

NUMBER OF ACCEPTABLE HOSPITAL BEDS ALL TYPES, GEORGIA, 1958

Type of Hospital	Beds	Shortages
General	12,062	28%
Nervous and mental	11,528	38%
Tuberculosis	2,088	1%
Chronic	554	93%

Source: *Annual Statistical Report 1958*, Department of Public Health.
 (The *Annual Statistical Report*, 1958, of the Department of Public Health lists a total of 209 Georgia hospitals of all types.)

In 1957, 495,690 patients were admitted to hospitals, and the average stay of each patient was 5.61 days. The estimated

total expenditures for hospital service came to \$65,000,000, and \$23.37 hospital cost per patient day.

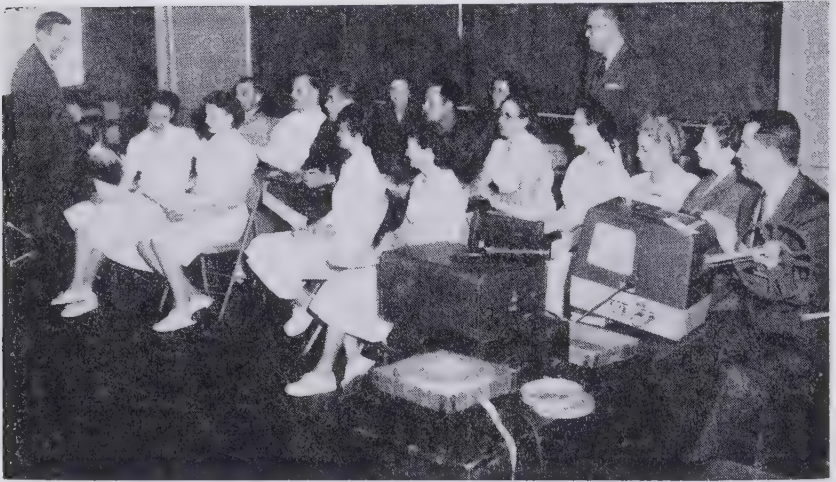
15. *Division of Chronic Diseases*

The Heart Disease Control program is in the Division of Chronic Diseases. The only full-time physician has been assigned by the United States Public Health Service. Sixteen active clinics were operating in the state at the close of the reporting year, 1958. Drugs are distributed by this division to rheumatic fever victims who cannot afford to purchase the drug. A cardiovascular laboratory has been established in co-operation with the Emory University Hospital for use of heart clinics. A cardiac program has been developed for crippled children, and this division disseminates information on heart diseases to doctors, medical students, heart clinics, and libraries--especially medical libraries.

16. *Civil Defense Health Services*

The civil defense program is a part of the "Georgia Preliminary Operational Survival Plan." Civil defense health work is headed by the director of the Department of Public Health and all employees of the department are civil defense workers who could be called on in emergencies. The professional and semi-professional personnel concerned with the care of the sick and injured are developing disaster plans with the hospitals of the communities throughout the state. Preparations are being developed largely around needs for "natural" disasters. Benefits would derive in any disaster.

Science teachers co-operating in the civil defense health plan will be able to secure training kits containing instruments to measure various kinds of contamination: food, water, and air. A complete 200-bed emergency hospital which can be quickly moved to the scene of a disaster is stored at Emory-at-Oxford in Covington. In case of disasters, so designated by the President of the United States, additional hospitals can be secured from the federal Civil Defense Administration for each 100,000 people. A two-way radio



A CLASS IN FOOD SANITATION

These young ladies are employees of a food chain in Atlanta. They are receiving instruction in the latest sanitary procedures in handling food.

communication system has been set up by the Department of Public Health.

17. Division of Public Health Education and Training

Joint planning of programs with parent-teacher associations, teacher training institutions, voluntary health groups, and other agencies is performed by the Division of Public Health Education and Training. Some fifteen half-hour television programs have been produced and health material is prepared for wide dissemination by press, radio, and other media. Several hundred films are circulated to groups throughout Georgia. *Georgia's Health* is mailed free to about 20,000 Georgians each month. In 1958, 7,043 books were circulated from the Health Library.

Approved field training centers are located in Fulton, DeKalb, and Bibb counties for beginning nurses and sanitarians for public health work. The Health Department has contracts with the Schools of Nursing of Emory University, the University of Georgia, Peabody, and North Carolina College, which provide for the placing of nurses for their

field experience in public health work. Short-term and refresher training courses were received by nearly 550 public health people. Some health workers from foreign countries are given training in our Department of Public Health.

18. *Division of Hospital Services*

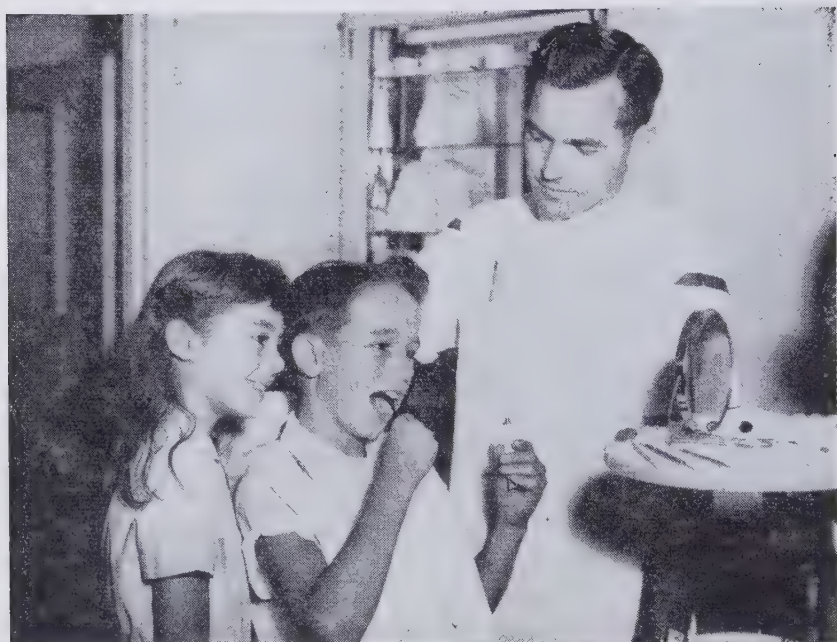
Aid in the construction planning of hospitals and educational work to improve hospital and medical care centers is provided by the Division of Hospital Services. Twenty-seven communities were given assistance in 1957. Four new hospitals, one hospital annex, and one nursing training facility were approved in 1957. The federal Medical Facilities Act of 1954, together with the older Hill-Burton program, established funds to be matched by the states in building hospitals for chronic illnesses, nursing homes, diagnostic treatment facilities, and rehabilitation facilities. Over \$6,000,000 in federal funds went to localities in Georgia during 1958-59. The administration of these funds has added to the work of the Division of Hospital Services.

In one year, 887 inspection visits were made to hospitals and nursing homes for the aged. A complete report on all nursing homes was made and presented to the 1958 General Assembly for its use in making laws.

19. *Divisions of Dental Health and Laboratories*

By 1959 some 781,431 people in sixty-two communities had fluoridated water. A five-year study revealed a large reduction in tooth decay in children in communities that had fluoridated water.

There were 111 dental clinics operating in the state in 1958, but there were insufficient numbers of dentists employed in the district health units to assure an adequate program. However, numerous dentists gave some time to public health, including service to 45,586 school children in the year 1957. The Georgia Dental Health Association is working to strengthen the public health program. Many private dentists participate in public clinics each year.



LEARNING BETTER DENTAL HEALTH

The State Department of Public Health carries on a program of better dental health education. The state also promotes fluoridation of water supplies to prevent tooth decay.

Each year over one million examinations are made by the Division of Laboratories. The great variety of tests can only be indicated. In the year 1957, 54,659 tuberculosis cultures were made; 84,339 examinations of milk were completed; 840 diagnostic throat culture examinations for diphtheria were made; and hundreds of other laboratory tests were performed, including those for Rh blood group and A-Asian type virus.

20. *Local Health Service*

In 1954 the state authorized thirty-eight health districts, and twenty-four were organized by early 1959. Over 100,000 people in the state still are without local public health nurses. Fifty per cent of the nurses have some specialized training in public health nursing, and a number are trained each year.

For instance in 1957 there were three nurses trained in alcohol studies, five in cardiovascular diseases, two in community mental health, and some in other specialties.

The Local Health Service includes the Northeast, Northwest, Central, Southeast, and Southwest regional health offices. A description of one regional office will suffice. The Southwest Health Region covers twenty-eight counties in southwest Georgia and contains about 500,000 people who are 65 per cent rural. The urban proportion is increasing, however, as the trend is toward the towns. There is one private doctor to each 2,000 population and a more serious shortage of dentists. Three counties are without hospitals.

In the southwest regional office there are one medical director, two nurse consultants, one public health engineer, two sanitarians, one nutritionist, five communicable disease investigators, one epidemiologist-entomologist, and four clerks.

The local public health personnel in the counties of the region include only four medical officers; and there are insufficient numbers of nurses and other professional personnel.

In the reporting year 1958 in this region, influenza increased, hookworm remained about the same, and there was decreased mortality from tuberculosis. Investigations and inspections of school buildings, lunchrooms, hospitals, milk programs, and the like are made and reported each year. Food-handler training courses are organized and taught. Nutrition is taught in health clinics and to various groups each year. Instruction for nurses in new techniques is offered. Investigation and research of ticks, mosquitoes, and fire ants were conducted in this regional office in 1957.

21. Other State Health Facilities

The Medical College of Georgia, chartered originally in 1828 as the Medical Academy of Georgia, awards the Doctor of Medicine (M.D.) degree and the following graduate degrees: Master of Science in the Medical Sciences, Master of Science in Medicine, and Master of Science in Medical Art.



TAKING A BLOOD SAMPLE TO TEST FOR DISEASE

Tests to detect many diseases are made by blood samples so proper treatment can be given.

The School of Nursing of the Medical College trains nurses in numerous specialties.

The 800-bed Eugene Talmadge Memorial Hospital is used as a teaching hospital. The University Hospital of the City of Augusta is used in part for teaching purposes by the Medical College. At Gracewood the Georgia Training School for mentally defective children provides demonstrations by the Medical College in the study of neurologic disorders.

The Veterans Administration Hospitals in Augusta and other hospitals, clinics, and medical facilities also co-operate in the training of doctors. Emory University, a private institution, trains doctors, dentists, and nurses. The University of Georgia awards a degree in medical technology.

All these institutions, as well as the veterans' hospitals and private hospitals and private clinics throughout the

state, contribute to the health of the people of Georgia. Every college in Georgia has courses contributing to the health of the public.

The Federal Government not only has medical facilities throughout the state, but contributes heavily to the financing of health programs by the state. The Federal Government appropriated \$7,317,614 to the state for general health, heart disease control, cancer control, mental hygiene, venereal disease control, hospital construction, and similar projects; and \$912,750 for maternal and child health, crippled children, and mentally retarded children.

ACTIVITIES AND QUESTIONS

1. After studying this chapter make a visit to the public health facility nearest to your school. Find out all you can about its program.
2. When was the Board of Health created? What city appointed the first local health officer in Georgia? When?
3. In the 1940's what factors contributed to the improvement of the Department of Public Health?
4. What is the Hill-Burton hospital program? Has your local hospital received money from this program?
5. Why is pellagra said to be a poor man's disease?
6. When was the State Department of Public Health created? How many members are on the State Board of Health? Who administers the State Department of Public Health?
7. How many people work for public health in Georgia?
8. Why is it still important to take the Salk vaccine shots?
9. List all the reasons you can think of for keeping "vital" statistics.
10. Find out what a nutritionist in the public health service does.
11. Have a committee from your class visit and report back to the class on how a local hospital co-operates in the public health program.
12. Describe the local health service.
13. Describe a typical regional health service.
14. Which purpose of the school health program is most emphasized in your school?

15. Explain: mental health; psychiatry; orthopedic surgery; plastic surgery; cardiologist; typhoid fever; health engineer; radiation; occupational disease; epidemiology; morbidity; mortality; rabies.
16. How is tuberculosis spread?
17. How does Battey State Hospital rank in size with other tuberculosis hospitals?
18. Describe the civil defense program.

FOR FURTHER STUDY

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Chapter XV

CARING FOR THOSE WHO NEED HELP

1. State Department of Public Welfare

The director who is the executive officer of the State Department of Public Welfare is appointed by the governor with the consent of the state Senate for a term running concurrently with that of the governor. He is a full-time salaried official of the state.

The director serves as chairman of an advisory State Board of Social Security which is also appointed by the governor for a four-year term. Two of the board members must be physicians.

There are three "legs" to the organization stool of the State Department of Public Welfare which is controlled by the director of public welfare. The Division of Social Administration has sections on public assistance, child welfare, and field social service. A second leg of the organization is a Division of Business Administration which deals with fiscal matters. The third leg of the organization stool deals with state institutions.

The officials of the State Department of Public Welfare are largely supervisory and educational in nature. The welfare employees who actually deal with the needy people of the state are in the county welfare departments.

The juvenile courts, which are so vital to the welfare departments, are discussed in this chapter.

2. Federal Aid

The present State Department of Public Welfare was created on February 25, 1937, and at the same time the old State Board of Control (eleemosynary institutions) was abolished. The new legislation was primarily to enable the state to participate in federal funds made available through the Social Security Act of 1935. The federal Social Security

Administration in the federal Department of Health, Education, and Welfare has a great deal of supervisory power in connection with the administration of the public welfare services and funds. The funds from the Federal Government have consistently more than doubled state and local funds provided in Georgia.

GEORGIA PUBLIC ASSISTANCE PROGRAM

Source of Funds—Selected Years

	1953	1955	1958
Total Funds	\$60,505,000	\$68,357,000	\$75,301,000
State	15,740,000	18,089,000	18,533,000
Local	3,176,000	3,669,000	3,012,000
Federal	41,589,000	46,599,000	53,756,000

Source: *Georgia Statistical Abstract*, University of Georgia.
Official Report, July 1, 1957-June 30, 1958, Georgia Department of Public Welfare.

The federal-state program enacted into law as the Social Security Act of 1935 was to relieve wide-spread distress in the country. The employable were gradually re-employed as the nation under the "New Deal" worked its way out of the depression. But the social security program remained and was extended to cover more and more people.

3. County Welfare Department

The national Social Security Act requires that assistance be provided for all the area of the state. The State Department of Public Welfare supervises the county administration of all the welfare programs.

The county welfare board of five members is appointed for three-year terms, by the county commissioners, or the ordinary of the county, with the consent of the state director of public welfare. The members serve without pay except travel expenses in connection with official board meetings. Regular meetings are held monthly. The county director is appointed by the state director on recommendation of



ASLEEP WHILE OTHERS PLAN HIS FUTURE

An important purpose of the State Department of Public Welfare is to provide proper care for all children and those who might need help.

the county board. The director is secretary to the county board and keeps the confidential official records.

Board meetings are open to the public except when assistance cases are discussed. Federal regulations require that matters relating to individual relief cases be held strictly confidential.

The social workers on the county staff, who are professionally trained for the job, investigate applications for assistance. Board members do not act as investigators.

Applications for public assistance by those in need are made to the county welfare departments. To secure this aid numerous eligibility requirements of the federal and state governments must be met. The assistance programs cover needy persons over sixty-five years of age, needy blind persons over sixteen years of age, needy dependent and deprived children under sixteen years of age, and needy persons between the ages of eighteen and sixty-five who are permanently and totally disabled. An explanation of the application, rights of the applicant and recipient, responsibilities, and other matters, are explained in a State Department of Public Welfare publication, *Handbook for County Welfare Board Members*.

The federal Social Security Act is intended to "strengthen family life" and assist people in reaching "personal and economic independence." Training, self-care, and rehabilitation of those on assistance are encouraged whenever it appears profitable. A great many cases are indigent. During 1958, 57 per cent of the patients at the Talmadge Hospital of the State Medical College were recipients of some kind of public welfare assistance. Poor health accounts for much of the need for relief.

This chapter deals with needy and dependent people in our society and what governments at all levels are doing about these problems. The student should not confuse these programs with insurance and retirement programs that are also encouraged by the federal and state governments. The relief work of the federal Department of Health, Education, and Welfare and the state and county departments of public welfare demand our attention in this chapter.

4. Public Assistance Section

Old Age Assistance—The information given here on each aid program is found in the recent annual reports and other publications of the State Department of Public Welfare. In February, 1958, 365 out of each 1,000 persons aged 65 and over in Georgia were receiving assistance. Only Louisiana, Mississippi, and Alabama, among southern states, had a higher average. The national average was 164 per 1,000 aged population and the grants to each recipient averaged \$61.97. In Georgia the grants averaged \$43.17.

Aid to the Blind—In June, 1958, to each blind person receiving aid in Georgia, the average allowance was \$48.13. There were 3,475 Georgians receiving this aid. The federal law permits blind persons to make fifty dollars a month without having government aid reduced. Rehabilitation can be satisfactorily assisted under this federal regulation by the Factory for the Blind and the Division of Vocational Rehabilitation of the State Department of Education. As in the case of the aged the national average monthly payment



AIDING THE PHYSICALLY HANDICAPPED

Classes of instruction with those who need vocational training to overcome a physical defect are an important part of the Georgia welfare program.

was higher than in Georgia. Nationally, the average was about \$68.00.

Aid to Dependent Children—In June, 1958, 43,609 children were receiving assistance under this program—an increase of almost 3,000 over the previous year. The average monthly payment in 1958 ran around \$83.00 per family (\$28.89 for each individual), while the national average for each family was around \$108 a month. The national and state percentages of children receiving aid are very close; 29 per 1,000 children in Georgia, and 30 per 1,000 children

for the nation. Aid to a dependent child is not permitted if the father is able-bodied, even though he is unemployed.

Aid to the Permanently and Totally Disabled—Georgia recipients of the aid to the permanently and totally disabled increased from 13,491 in 1957 to 15,448 in 1958. The State Review Team made an average of 43 decisions a day on new applications. This team also provides disabled individuals with medical information to aid those among them who may be eligible for old age and survivors insurance disability benefits. The county welfare department must establish the need for financial assistance before the State Review Team



COUNSELING WITH A MOTHER

The state provides workers to counsel with parents who need help in providing the best type of homes for their children.

considers the individual for the disability program. Many applicants are referred to the Division of Vocational Rehabilitation. A special problem is that of persons disabled because of tuberculosis. Another difficult problem is that of women who are widowed before they are 65 years of age. A 60-year old woman who has been employed only as a housewife is not eligible for old age assistance; she may not be physically disabled, and, therefore, not entitled to disability assistance.

Heart conditions of all types pose a serious problem, but increased medical knowledge on this subject is encouraging to those working with people disabled by heart ailments. Receiving aid in 1958 were 1,637 persons, disabled because of vascular lesions of the central nervous system and residuals, paralysis from strokes. Another 1,572 people, disabled by arthritis, were receiving aid.

General Assistance—According to the 1957 annual report of the Department of Public Welfare, the general assistance program (emergency or county relief) had no state or federal aid; however, county welfare departments nearly always handled this program. Over fifty counties do not provide any general assistance. Difficult emergency cases can arise in counties providing no general assistance.

Hearings—In 1958 the State Department of Public Welfare heard appeals from 601 adverse local decisions which resulted in 150 decisions in favor of appellants. Most appeals were made because applications for aid were denied, or because the applicants' cases were closed and aid was stopped. But 114 appealed for larger grants. In 1958 most appeals were from persons dissatisfied about decisions in the program of aid to the disabled.

In commenting on the various aid programs in 1957, the director in the annual report said: "If there were adequate funds to meet the needs of the less fortunate citizens of the state, the Welfare Department would strive to: (1) provide needed basic services to all dependent, neglected and orphaned children, thereby assuring each child his rights to

love, security, and a good home, (2) provide adequate medical care for the medically indigent, including hospital services, nursing home care, drugs, dental care, eye glasses, and rehabilitation to each individual's maximum usefulness, (3) provide . . . general assistance . . . for the needs of persons who are not eligible for other types of assistance, (4) liberalize the laws . . . (so that) need can be met . . ., (5) permit recipients to earn a little money (and) . . . not count (it) against their budget, and (6) increase salaries of (Welfare) personnel to amply reward and attract additional competent staff. . . ."

Field Social Service Section—The Field Social Service Section works with the county departments of public welfare to increase the efficiency and effectiveness of the local agencies. This service aids the counties in keeping abreast of the numerous federal and state laws and regulations governing the welfare programs.

5. *Child Welfare Section*

Child welfare expenditures come largely from county government—two thirds—with about one fourth from the Federal Government and the rest from the state. County funds for 1958 supplied \$865,000 of the \$1,298,000. As the director points out in the last annual report, child welfare is becoming of increasing concern to Georgians: "Citizen groups from several areas of the state have expressed deep concern over the welfare of many of the young children receiving care in many nurseries and uninvestigated homes." Shifts of population within the state, more working mothers of young children, and other factors are overtaking facilities for day care of children away from home. The number of children getting some kind of service from the county child welfare funds in 1958 was 8,486. This was 855 more than in 1957. On June 30, 1958, the number of children who were receiving welfare services was 1,094 in boarding homes; 1,452 in adoption homes; and 378 in institutions for dependent and delinquent children.



PARTY TIME

Any child who needs help of any kind is aided by the state. These children are being given a party.

Adoption services and child care institutions are responsibilities of the state; however, some federal funds are available on a matching basis to rural areas and areas with special foster-care need. The State Department of Public Welfare must make reports to the judge of the superior court on adoptions. The department also licenses children placement agencies. As always, there are more couples who want to adopt infants than there are infants who need to be adopted. This is true in other states also.

A news publication of the State Department of Public Welfare, *Notes and Quotes*, December 15, 1958, says: "Children are being placed in full-time foster-care homes and institutions because of the lack of day-care facilities. The psychological toll exacted on the mother and children because of the lack of adequate day care is high and has lasting effects." And the April 15, 1958, issue declared: "Often good day care is the extra help needed to prevent the family breakdown."

And again in the June 15, 1957, issue of *Notes and Quotes*, the State Department of Public Welfare has this to say about teenagers in foster homes: "There are children presently in foster family care who could be better served by an 'institution.' Many of these teenagers can resolve (their) conflicts to a larger extent in the neutral setting of an institution. . . . (Troubled) children need study and treatment in a controlled institutional setting. Georgia is without such a resource for these unhappy youngsters."

6. *Juvenile Courts*

There are thirty-two juvenile courts in Georgia. Twenty-four of these courts, according to the State Department of Public Welfare, reported 10,293 cases disposed of in 1957, and 7,551 of these were delinquency cases. These courts work closely with the county welfare departments. The two agencies supplement and make more effective the work of each other. Counties having 50,000 people must organize a juvenile court, and smaller counties may provide for this court; otherwise, the superior court judge acts as the juvenile court judge. The judges of superior courts appoint the juvenile court judges who try cases involving persons under seventeen years of age accused of crimes. Cases involving

STATE INSTITUTIONS

EXPENDITURES FOR INSTITUTIONS FOR THE YEAR ENDING JUNE 30, 1958

<i>Institutions</i>	<i>Expenditures</i>
Training School for Boys	
White Division—Milledgeville	\$ 752,800
Colored Division—Augusta	311,300
Training School for Girls	
White Division—Atlanta	370,400
Colored Division—Macon	48,300
School for Mental Defectives—Gracewood	1,911,700
Georgia Factory for the Blind—Bainbridge	1,127,400 ^a
(Branches in Atlanta and Griffin)	
Confederate Soldiers' Home	44,100

Source: *Official Report*, July 1, 1957, to June 30, 1958, Georgia Department of Public Welfare.



GEORGIA TRAINING SCHOOL FOR MENTAL DEFECTIVES

Located at Gracewood, this institution provides care and education for those who are mentally handicapped.

neglect of children and injurious occupational work of children are tried in this court.

Training School for Boys—The white boys' division at Milledgeville held 255 boys on July 1, 1958. The colored division at Augusta had 287 boys. Limited academic and vocational instruction is offered. Insufficient facilities meant that many boys who should be cared for were unable to be accepted.

The Georgia Training School for Mental Defectives at Gracewood had 1,106 patients on June 30, 1958. Of this number 589, or a little more than half, were males.

The cost of operating this institution was \$3.11 a day for each inmate. The medical staff included the superintendent, two physicians, two dentists, one surgeon, three interns and six physician consultants (part-time). Limited recreation, education, and vocation programs are provided. There is no school for Negro mental defectives.

The Georgia Factory for the Blind manufactures wood handles, wood dowels, highway stakes, brooms, mops, and mattresses. The factory has a contract with an aircraft

corporation to sort aluminum and steel parts. Better-trained employees are placed in private industry whenever it is possible. Of the \$900,000 in 1958 sales from the manufactured products and services, over one third was sold to federal agencies, a small amount (\$135,000) to state and county agencies. Nearly \$500,000 worth was purchased by commercial, industrial, and other agencies. The average weekly wage of blind employees at the Bainbridge, Griffin, and Atlanta plants was \$30.00 to \$35.00. Blind employees who receive this average weekly wage do not, of course, receive government aid.

The Confederate Soldiers' Home is maintained for a few widows of Confederate veterans. The ages of the eight widows there in 1958 ranged from eighty-five years to ninety-five years.

ACTIVITIES AND QUESTIONS

1. By whom is the director of the State Department of Public Welfare appointed?
2. How many members are on each county welfare board and by whom are they chosen? How is the county director of public welfare selected?
3. List all the welfare aid programs. What was one of the principal purposes of the Federal Social Security Act of 1935?
4. Who pays for "general assistance" to the poor?
5. Why are so many children being placed in foster-care homes rather than day-care facilities? Is this best for mother and child? What is "foster-care"?
6. How many juvenile courts are there in Georgia? What kind of cases does the juvenile court try?
7. List the five institutions discussed under "State Institutions" according to the yearly cost of operation from highest to lowest. How does the total compare with the amount spent on the University System?
8. Does your city buy anything made at the Georgia Factory for the Blind?

FOR FURTHER STUDY

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Public Welfare Statistics in Georgia, Quarter ended September, 1958, Atlanta: Georgia Department of Public Welfare. (This is published quarterly, a few months after the close of each quarter).

Minimum Requirements and Desirable Standards for Child Caring Institutions. Atlanta: Georgia Department of Public Welfare 1954.

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Gilbert Gies, *Publicity and Juvenile Court Proceedings*. Washington: U. S. Department of Health, Education, and Welfare, Social Security Administration, Children's Bureau, 1958.

Annual Report of the Department of Public Safety, 1958. Atlanta: Department of Public Safety.

Notes and Quotes. Published every other month and distributed free by the Georgia Department of Public Welfare.

Handbook for County Welfare Board Members. Atlanta: Georgia Department of Public Welfare.

Chapter XVI

CRIME AND PUNISHMENT

1. *Introduction*

Crime does not exist independently of other institutions. Prevailing values or standards in the community have a great deal to do with misconduct that occurs on the streets of our cities and counties. At least that is the view of many students of this subject.

Rapid industrialization has brought many mechanical advantages and great material wealth, but it also has brought problems to the most mobile population on earth. The impersonal relationships of fast-growing cities have altered to some extent family and community values.

Changing group loyalties does not mean that we do not seek and value the regard of groups. Restricted loyalty is encouraged by our society sometimes with devastating effect. Loyalty to the code of the members of a school fraternity may lead the members to accept misconduct on the part of their membership while condemning it in others. The fraternity believes that others should obey the law, while making exceptions for the in-group. A person's associates usually have great influence on his conduct.

Unemployment may lead to crime, but the majority of unemployed do not commit crimes. Some individuals have greater difficulty than others in adjusting to a serious economic reversal.

Since juvenile delinquency seems to be increasing, there is special need to become informed about its problems. Points of view about the increase of juvenile wrong-doing in our rich country are numerous. Some observers will go so far as to attribute an increase in crime to a source of entertainment like television. And they can cite much evidence. Even the United States Subcommittee to Investigate Juvenile



GEORGIA INDUSTRIAL INSTITUTE FOR YOUTHFUL OFFENDERS

Youthful offenders are given an opportunity to reform and better prepare themselves for life.

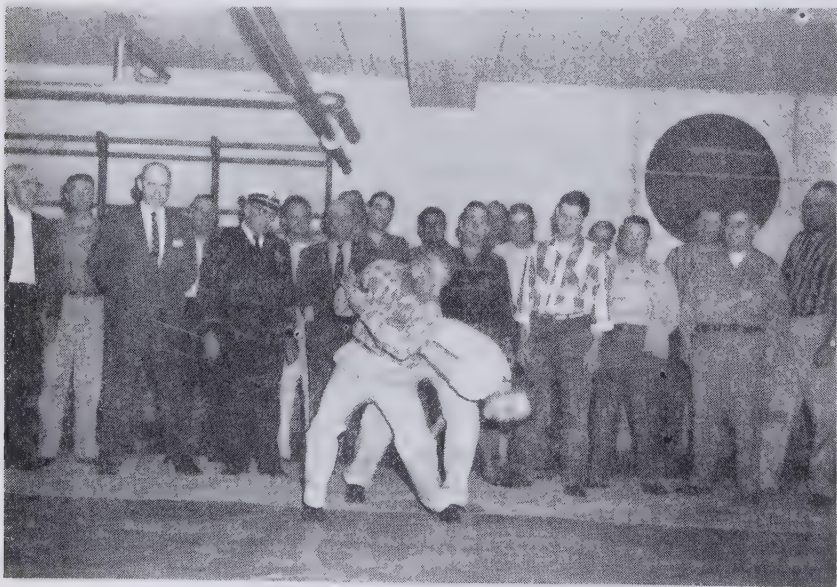
Delinquency found that children prone to delinquency were severely affected by crime and horror TV programs; they concluded that it was a calculated risk to expose children to these programs. The committee was strongly opposed to governmental censorship, but recommended a code and a stricter control of television programs by the Federal Communications Commission through the levying of fines and revoking licenses of stations violating the code.

To cope with delinquency among youth of any community requires a study of the community. The values honored by the community, educational facilities, police controls, interest of local leaders, and other social forces must be assessed. This course in Georgia government should at least make us conscious of some delinquency and crime problems faced by the community.

Convictions are more frequent among juveniles who live in poor neighborhoods; sometimes the judge may send a young person to a training school because there is no decent

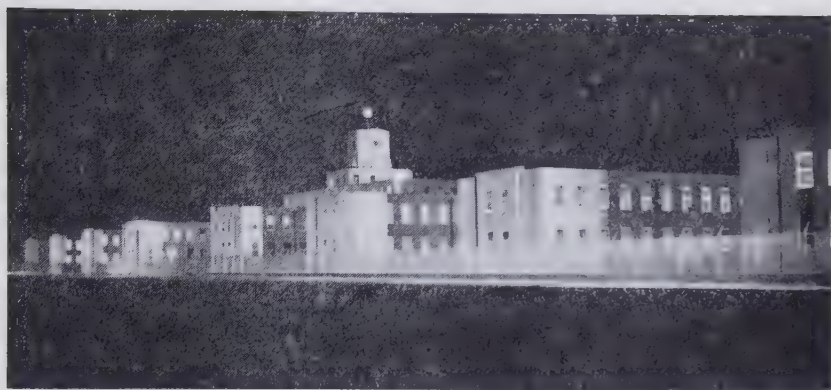
home to which the young person can be returned. Some Georgia judges hesitate to detain juveniles in the jails, even temporarily. For the individual and for society it is considered better to develop and use some methods of treatment which are themselves alternatives to jail, such as probation or suspended sentence.

The Atlanta Citizens Crime Commission after seven months of study made an interim report on May 27, 1959, pointing out that unreasonable delays in trying criminal cases increased the difficulty of conviction. In addition to inadequate pay for police the committee listed among numerous causes of crime the following: influx of population into the city by people unprepared for city life; poverty; lack of job opportunities; irresponsibility of parents; poor housing and recreation facilities; overcrowded schools too big to be well managed; failure of some public officials to obey or to enforce the law; failure to make full use of the probation system; poor rehabilitation facilities for the juvenile



ATHENS POLICEMEN ATTENDING A JUDO SCHOOL

Such schools are held all over Georgia to help policemen prepare themselves to prevent crime.



GEORGIA STATE PRISON AT REIDSVILLE

offenders; the latent and open hostility of groups who felt they had no stake in society; and others. Crime will be lessened as these causes of crime are eliminated.

Earlier this same Crime Commission had criticized the Georgia rule which allowed an accused person to make an unsworn statement in court in his own behalf without being cross-examined or questioned by the court. As the Georgia law forbids sworn statements or questions by either side, the defendant might be damaged as well as the case for the state. The commission also recommended that juries be divested of the power to fix sentences and that punishment be prescribed by the judge. The commission also made the astounding statement that "... it appears that 55 per cent of pending indictments cannot be tried because the defendant is not within reach of the court (Fulton County)." Most of what the commission has reported would apply equally anywhere in Georgia where a crime is committed.

2. Prisoners and Prisons

In commenting on the increase of prisoners in Georgia the director of the State Board of Corrections has this to say: "We have had a tremendous increase in the daily average inmate count since June 30, 1953. On June 30, 1953, the daily average inmate count was 2,260 and as of June 30, 1958, this figure had risen to 4,121, an over-all daily average

inmate increase of 1,861. The daily average inmate count on June 30, 1957, was 3,873. . . .”

The net cost for operating Reidsville, the principal prison, for the year ending June 30, 1958, was \$982,908.52, an \$80,000 reduction over the previous year. The Rock Quarry Prison Branch, Buford, Georgia, is for incorrigible prisoners and the daily inmate cost of \$4.11 a day is higher than it is at any other prison.

GEORGIA PRISONS (REIDSVILLE AND 15 BRANCHES)

Average Daily Inmate Count—All Units

Fiscal Year Ending June 30, 1958

Prison and City	Daily Average
Georgia State, Reidsville	2,293
Ware, Waycross	91
Correctional Detention, Rome	207
Jefferson, Louisville	92
Rock Quarry, Buford	142
Telfair, McRae	55
Wayne, Jessup	102
Georgia Industrial Institute, Alto	487
Montgomery, Mt. Vernon	62
Lee, Leesburg	131
Macon, Montezuma	59
Decatur, Bainbridge	102
Meriwether, Warm Springs	79
Chatham, Savannah	47
Putnam, Eatonton	103
Pulaski, Hawkinsville	69
Grand Total—Average Daily Inmate Count	4,121

Source: Annual Report of the State Board of Corrections for Year Ending June 30, 1958.

3. Parole

About 900 prisoners are paroled each year and others are conditionally released. About 13 per cent of all prisoners released in Georgia 1956-1958, were returned to prison for violating terms of the release. Prisoners serving sentences totaling forty-five or more years and prisoners serving life sentences are ineligible for parole during the first fifteen



Macon Prison Branch, State Highway Maintenance Camp at Montezuma.

years in prison. Most other prisoners are eligible for parole after serving one third the minimum sentence. The Board of Pardons and Paroles can entertain applications for exceptions to the established eligibility rules, but exceptions are rare. The board makes a detailed report of each case at each session of the General Assembly.

“The Board . . . emphasizes the importance of supervision as a means of protecting the public and rehabilitating the prisoner. . . . Supervision is actively carried on by field supervisors who use every available means the community has to offer in bringing about a successful adjustment on the part of the released prisoner. . . . The Parolee who violates the conditions of his release is promptly returned to prison.”¹

Of eighteen death sentence commutation hearings during 1956-1958 only five cases were commuted to life imprisonment. Civil and political rights were restored to sixty former prisoners during 1956-1958, and ten pardons were granted for the same period.

¹From the Biennial Report, Georgia State Board of Pardons and Paroles, 1956-1958.

4. *The Need for Crime Prevention*

James V. Bennett, Director of the Federal Bureau of Prisons, cites studies which indicate 55 per cent to 60 per cent of prisoners leaving prison in the United States return within five years; and J. Edgar Hoover says that 70 per cent of the fingerprints of arrested persons received by the FBI are of persons who have been arrested before. And the great tragedy is that of the 27,000 employees of state and federal prisons in the United States, only 1,337 are working on rehabilitating prisoners to return them to society. The rest are employed just to keep the prisoners away from society. The crime problem will never be solved until we learn more about crime prevention.

The most effective handling of misconduct is prevention. If a child can be helped early before delinquent conduct becomes fixed, the chances of orderly social living are good. A child reacts in a very definite way to influences in his environment. If love and respect are missing in the child's life he will tend to react with hatred. Over-protection also



FULTON COUNTY WORK CAMP AT ALPHARETTA

tends to arouse aggressiveness in children. Over-protection and rejection are both dangerous.²

About two thirds of the inmates entering prisons each year have been in prison before. Adjustment on the outside after prison controls are removed may be more difficult than even the penologist realizes.³

5. Penal Reform

Vernon Fox, of Florida State University, says penal reform involves enlightened citizenry. People must know about penal reform. Fox believes one of the most effective beginnings for penal reform is to develop a curriculum of criminology and corrections at colleges and universities. He bases this belief on the fact that improvement has been noted in state correctional systems where correction programs have been developed in universities. California, which has a progressive prison system, first developed a prison correction program in its universities. A dozen colleges and universities now have programs in corrections or law enforcement. Like California, progress was made in Ohio, Wisconsin, Minnesota, and Utah after university law-enforcement programs were developed.

Other important media to promote penal reform are newspapers, magazines, television, and radio. This method was effective in bringing about penal reform in Louisiana. Citizen organizations have also been effective in many states, according to a statement by Mr. Fox.

6. Judge Henson on Rehabilitation

A. L. Henson, Judge of the Civil Court of Fulton County, writing in the *Georgia Bar Journal* in February, 1954, says: "Nearly seventy per centum of those in prison (Georgia) are serving second, third, and fourth terms and others are

²See *Unraveling Juvenile Delinquency*, The Commonwealth Fund, New York, 1950 and *Children Who Hate*, The Free Press, Glencoe, Ill., 1951.

³See Vernon Fox, "Analysis of Prison Disciplinary Problems," *The Journal of Criminal Law, Criminology and Police Science*, December 1958, Vol. 49, No. 4.



STATE ROCK QUARRY PRISON BRANCH FOR
INCORRIGIBLES AT BUFORD

making penal service a career. Aside from the expense of detection and trial each of these prisoners is costing (1954) the taxpayers one dollar and twenty-six cents per day. When you add the loss of property incident to crime and the man-hours lost to the state's economy by the idleness of men, women, and youths, you will hit pretty close to the cost of maintaining our schools and colleges."⁴

Judge Henson would emphasize the medical treatment of prisoners with mental illnesses in Georgia prisons so that they could be cured and returned to society. The fixed sentence deters law-enforcement and rehabilitation of criminals. Short sentences are waited out in resignation, and long sentences lead to hopes of escape or to despair. Undetermined sentences would encourage, Judge Henson believes, the prisoner to co-operate in his rehabilitation. Judge Henson suggests an agency staffed by specialists trained in the sciences applicable in rehabilitation of prisoners. If mental and

⁴A. L. Henson, "A Neglected Phase of Criminal Law," *Georgia Bar Journal*, February, 1954, Vol. XVI, No. 3, pp. 291-297.

emotional stability and a sense of moral values are developed by a prisoner sufficient to restore him to society, parole can be granted under the supervision of the state agency. "The creation of a state agency, together with a statute providing for indeterminate sentences in certain cases, would enable the Department of Corrections (Georgia) to implement the plan under its present rule-making power. We have in Savannah, Macon, Augusta, and Columbus clinics which could readily be used for the diagnosis and proper classification of persons convicted of felonies, and another is to be established in Atlanta. Our penal institutions are fairly well equipped to provide occupational therapy, and equipment for vocational training could be made available. With such strategically placed clinics, adequately staffed by men and women 'top-notch' in the sciences involved, we should be able to spot the offenders whose crimes stem from mental quirks and determine whether the trouble could be corrected. Those who did not respond to treatment . . . could be kept under institutional control. . . ." Judge Henson believes Georgia could keep the prison population at a lower figure by placing emphasis on carefully supervised rehabilitation.

ACTIVITIES AND QUESTIONS

1. Why not get someone from the juvenile court, county welfare department or local police department to tell your class about crime in your community? Or have a committee call on the juvenile court judge or the director of county welfare department and get information for class discussion. You might get some local detective to tell you about crime detection.
2. How many prisoners were in state prisons in 1958?
3. About what percentage of the inmates entering prisons each year have been in prisons before?
4. What possible method is suggested for the beginning of penal reform?
5. What do you think of Judge Henson's suggestion of an undetermined sentence?
6. What change in prison population would perhaps take place under a well-supervised rehabilitation program?

FOR FURTHER STUDY

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Council of State Governments' *Handbook of Interstate Crime Control*, 1955.

Georgia Bar Journal. Published quarterly in Macon, Georgia. Charles Block, Editor. All current issues.

Uniform Crime Reports, issued by the Federal Bureau of Investigation, U. S. Department of Justice, Washington, D. C. All current issues.

Federal Probation. Edited by the Federal Probation System and published quarterly by the administrative office of the United States courts in co-operation with the Bureau of Prisons of the United States Department of Justice, Washington, D. C. All current issues, but especially September, 1958.

Chapter XVII

IMPORTANT RECENT LEGISLATION

1. Joint Committee on the Operations of the General Assembly

The 1959 legislature created the Joint Committee on the Operations of the General Assembly to meet a long-felt need for continuity in the work of the General Assembly, and to strengthen the legislative branch of government by making of it a more effective lawmaking instrument. A serious effort appears to be in the making as a result of the passage of House Bill No. 3 by the House and Senate creating this Joint Committee between the two houses.

Most authorities on legislatures advocate legislative councils to keep the legislatures informed when not in session; to relieve the legislatures, especially the leaders, of pressure of work during the sessions; and to improve the quality of legislation. The council is usually composed of a small number of leaders of both houses and in most two-party states it is bipartisan. After the legislature adjourns the council meets periodically to consider the legislative problems and to prepare recommendations for consideration of the legislature in the next session. Forty-four state legislatures now have legislative reference libraries. Some of these are ineffective due to a lack of staff members to aid the legislators, but others perform their duties with remarkable efficiency by collecting information on any subject to be studied by the legislature, assembling references needed by the members of the legislature, and gathering information on what other legislatures are doing.

Bill drafting, a highly technical job requiring specialized skill to avoid the pitfalls of unconstitutionality and at the same time accomplish the desired objective, has, in Georgia, prior to the establishment of this Joint Committee, been performed by the attorney general's office.

The importance of the proposed reform in the form of the Joint Committee on the Operations of the General Assembly makes it necessary to examine each section of the bill. Section 1 provides that the Joint Committee shall be composed of the speaker of the House, the president of the Senate, the chairman of the House Appropriations Committee, both chairmen of the Judiciary Committees of the House and Senate, the chairman of the Senate Banking and Finance Committee, chairman of the House Ways and Means Committee, the clerk of the House, and the secretary of the Senate. Compensation is provided for interim meetings.

Section 2 directs the Joint Committee to recommend efficient use of legislative space in the capitol, study and recommend methods and procedures to operate more efficiently the General Assembly, revise and codify the laws for submission to the governor and the General Assembly for adoption, and provide services and facilities to members of the General Assembly including legislative counseling, bill drafting, and legislative reference material.

Section 3 creates the office of legislative counsel. Notice that this is not a council but a *counsel*. This office, the legislative counsel, is to perform the highly specialized job of bill drafting, and will provide the legislative counseling and the necessary reference material for members of the General Assembly. In addition to performing this service for legislative members the counsel and his staff are to assist the Joint Committee with the preparation of reports and recommendations, and codification of laws. The counsel is to act as parliamentarian for the House or Senate upon request of the presiding officer. The counsel's office is to be the legislative research office and he is to exchange information data and material with other states. The Joint Committee or the General Assembly may prescribe other duties.

Section 4 provides for the election of the legislative counsel. He is to serve at the pleasure of the Joint Committee with the approval of both branches of the General Assembly. The term of the office is two years. This section

designates the deputy director of the Bill Drafting Unit of the State Law Department as the first legislative counsel. In other words the bill drafting work including personnel is transferred from the State Law Department to the control of the Joint Committee and the General Assembly.

Section 5 provides for the counsel staff and may include a chief deputy and other deputies selected by the Joint Committee. The counsel and his staff are to be housed in the capitol and all reference material and property of the former Bill Drafting Unit of the Law Department is transferred to the legislative counsel.

Section 6 allows the Joint Committee to set up its own system of selecting personnel and bring the personnel under the Employee's Retirement System of the state.

Sections 7 through 11 repeal the old Bill Drafting Unit Law, make the attorney general an advisor of the legislative counsel, and take care of miscellaneous matters.

2. *Boards are Abolished*

The Senate Committee on Government Operations set up by the then Lieutenant-Governor Ernest Vandiver, in 1958, prepared suggestions for the legislature of 1959 which provides for the most sweeping reorganization of state government since former Governor Richard Russell's administrative reforms in 1931. The committee found nineteen major departments directly under the executive department or supervised by constitutional or statutory boards appointed by the governor. Seven major executive offices now possess elected constitutional officers. Boards also operate within some of the executive departments. There were twenty-six examining boards in the office of the secretary of state. More than sixty additional boards or bureaus and sixteen public corporations were identified by the committee that concluded: "A complete list of the boards and bureaus indicates that there are more than 100 in number."

The committee recommended the immediate study and abolition of some twenty-five boards, bureaus, commissions,

committees, authorities, and other similar agencies. The governor and the General Assembly had abolished, transferred, or combined by April, 1959, twenty-three of the twenty-five agencies suggested for abolition by the committee.

In addition to the twenty-five agencies above, the committee recommended the abolition by executive order of three administrative committees and one board. These are expected to go soon.

In addition, some three agencies not mentioned by the committee were abolished by the governor and the General Assembly.

Agencies abolished or consolidated, or merged with other agencies by April, 1959, include:

- Department of Entomology
- Employees Suggestion and Award Board
- Advisory Staff to the Board of Pardons and Paroles
- Motor Vehicle Reciprocal Agreement Committee
- Record-Destruction Committee
- State School Building Authority
- University System Building Authority
- Georgia Recreation Commission
- Forest Fire Emergency Advisory Committee
- Oil and Gas Commission
- State Bridge Building Authority
- Rural Roads Authority
- Commission on Education
- War Memorials Commission
- Civil Defense Advisory Council
- State Park Authority
- State Planning Commission
- Advisory Board to Safety Fire Commission
- Aeronautics Advisory Board
- Veterans' Resettlement Board
- Children's Code Commission
- Four (4) election commissions
- Georgia Commission on Education

3. *Changes in Penal Law*

The Committee on Government Operations made numerous other recommendations. Sixteen were concerning

strengthening laws on bribery and corruption in government; legislation to prevent members of the General Assembly holding administrative jobs while still members of the legislature, thereby creating a conflict of interests; legislation to restrict authority-type financing of public services; law to tighten up on careless methods of acquiring and inventorying state property. Twenty-three recommendations concerned the elimination of unbusiness-like practices in the highway department, including a reduction in the 5,573 persons employed by the department. Several recommendations were made to improve methods used in state purchases, including ones to eliminate, by the use of sealed bids, evils of the commission man, and the abolition of favoritism in selecting firms to sell to the state, thus establishing a rigid quality-control system. Twelve recommendations applied to the reorganization of the State Revenue Department to force strict adherence to the Merit System rules and regulations; to assure stricter regulations in the collection of state taxes, the preservation of tax records, and the licensing of liquor stores. Recommendations were made to lessen educational expenditures, especially expenditures for "frills." Lastly, the committee recommended a reorganization of the Merit System, including the possible re-examination of personnel now under the system.

Many of these "honesty-in-government" recommendations were written into law under the title, "Transactions with State-Actions Constituting Crimes Act No. 24 (House Bill No. 1)" by the 1959 Georgia General Assembly. Others are still under study for possible future action. There is one section in the act which reads:

"Whoever, by force, intimidation, or actual threat of procuring dismissal from employment with the State of Georgia, induces any employee of the State of Georgia to give up any part of the compensation to which he is entitled under the terms of his employment, shall be guilty of a felony, and upon conviction shall be punished by imprisonment in the penitentiary for not less than one year nor more than 20 years."

The section entitled, "Officer or employees improperly influencing legislative action," made it a felony for a state employee to accept anything of value to influence the passage of legislation. By amendment the law exempted from its provisions assistant attorney generals for special services.

Another section on "Interested persons acting as government agents," forbade a state employee, or any company or corporation in which the state employee was interested, to sell to the government.

Other provisions made it a crime to: embezzle or convert public money or records; convert the property of another while acting as an officer, employee, or agent of the state; fail to fully account for public money; misuse public funds or property while acting as custodian; accept kick-backs from public employees; make false statements and entries in public records; make false acknowledgments or appearances or oaths; wrongfully use the seal of the state, or any agency thereof; make false certificates and false statements; and trade in public property while a public officer. The act also prohibits conspiracies and restraint of free and open competition in transactions with the state; enforces the separation of powers provision in the Constitution of the state; and prohibits the offering or accepting of anything of value to influence members of the executive, legislative, or judicial branches of government.

Several of the key, newly appointed, executive department heads moved with dispatch at the urging of the governor to reorganize their departments. The revenue, highway, purchasing, parks, and other departments underwent considerable administrative changes during the spring of 1959.

4. Governor's Commission on Economy and Reorganization

A Joint Senate-House Appropriations Committee on the reorganization of state government was set up to investigate and make recommendations on all phases of state government.

Several subcommittees studied different departments and agencies of the state government.

In addition to the changes made by the General Assembly of 1959, a Governor's Commission on Economy and Reorganization was provided. In April, 1959, the organization of this commission was completed by the appointment of Dr. M. W. H. Collins of the University of Georgia's Institute of Law and Government as staff director and Representative Charles Gowen of Glynn County as secretary.

The commission is composed of the governor, lieutenant governor, two state senators selected by the lieutenant governor, the speaker of the state House of Representatives, three legislators appointed by the speaker from the House, and nine citizens appointed by the governor. The governor serves as chairman of this commission, which is to propose plans for reorganizing the government, including the drafting of constitutional amendments and laws to implement the plans. The commission was directed in the law to print and distribute suggested legislation and comments in preliminary form by July 1, 1959. Public hearings were then conducted and final recommendations made to the members of the General Assembly by August 15, 1959.

On April 2, 1959, the governor had told the commission that their investigation should deal with these five major state problems: budget adjustments, departmental operations, personnel functions, management analysis, and structural reorganization of government.

The governor as chairman assigned the members of the commission to eight different committees to study different phases of state reorganization. The governor called for long-range budget plans as well as immediate action for economy.

APPENDIX I

CHIEF EXECUTIVES OF GEORGIA

TRUSTEE PERIOD

	<i>Born</i>	<i>Term</i>
James Edward Oglethorpe, Resident Trustee	England	1733-1743
William Stephens, President	England	1743-1750
Henry Parker, Vice-President	England	1750-1751
Henry Parker, President	England	1751-1752

ROYAL PERIOD

Patrick Graham, President	England	1752-1754
John Reynolds, Captain General, Governor-in-chief and Vice-Admiral	England	1754-1756
Henry Ellis, Lieutenant Governor	England	1756-1759
Henry Ellis, Captain-General and Governor-in-chief	England	1759-1760
James Wright, Lieutenant Governor	South Carolina	1760-1762
James Wright, Captain-General, Governor-in-chief and Vice-Admiral	South Carolina	1762-1771
James Habersham, President and Commander-in-chief	England	1771-1773
James Wright, Captain General, Governor-in-chief and Vice-Admiral	South Carolina	1773-1776
James Wright, (restored when the British captured Savannah)	South Carolina	1779-1782

REVOLUTIONARY PERIOD

George Walton, President of the Council of Safety	Virginia	1776
William Ewen, President of the Council of Safety	England	1776
Archibald Bulloch, President and Commander-in-chief	South Carolina	1776
Button Gwinnett, President and Commander-in-chief	England	1777
John Adam Treutlen, Governor	Austria	1777-1778
John Houstoun, Governor	Georgia	1778-1779
John Wereat, President of Supreme Executive Council	England	1779-1780

	<i>Born</i>	<i>Term</i>
George Walton, Governor of faction opposing Wereat	Virginia	1779-1780
Richard Howley, Governor	Georgia	1780
Stephen Heard, President of Executive Council	Virginia	1780-1781

CONFEDERATION PERIOD

Nathan Brownson, Governor	Connecticut	1781-1782
John Martin, Governor	Rhode Island	1782-1783
Lyman Hall, Governor	Connecticut	1783-1784
John Houstoun, Governor	Georgia	1784-1785
Samuel Elbert, Governor	South Carolina	1785-1786
Edward Telfair, Governor	Scotland	1786-1787
George Mathews, Governor	Virginia	1787-1788

FEDERAL PERIOD

George Handley, Governor	England	1788-1789
George Walton, Governor	Virginia	1789-1790
Edward Telfair, Governor	Scotland	1790-1793
George Mathews, Governor	Virginia	1793-1796
Jared Irwin, Governor	North Carolina	1796-1798
James Jackson, Governor	England	1798-1801
David Emanuel, President of Senate and Acting Governor	Georgia	1801
Josiah Tattnall, Jr., Governor	Georgia	1801-1802
John Milledge, Governor	Georgia	1802-1806
Jared Irwin, President of Senate and Acting Governor	North Carolina	1806-1809
David B. Mitchell, Governor	Scotland	1809-1813
Peter Early, Governor	Virginia	1813-1815
David B. Mitchell, Governor	Scotland	1815-1817
William Rabun, Governor and Acting Governor	North Carolina	1817-1819
Matthew Talbot, President of Senate and Acting Governor	Virginia	1819
John Clark, Governor	North Carolina	1819-1823
George M. Troup, Governor	Georgia (now Alabama)	1823-1827
John Forsyth, Governor	Virginia	1827-1829
George R. Gilmer, Governor	Georgia	1829-1831
Wilson Lumpkin, Governor	Virginia	1831-1835
William Schley, Governor	Maryland	1835-1837

	<i>Born</i>	<i>Term</i>
George R. Gilmer, Governor	Georgia	1837-1839
Charles J. McDonald, Governor	South Carolina	1839-1843
George W. Crawford, Governor	Georgia	1843-1847
George W. Towns, Governor	Georgia	1847-1851
Howell Cobb, Governor	Georgia	1851-1853
Herschel V. Johnson	Georgia	1853-1857
Joseph E. Brown, Governor	South Carolina	1857-1865

RECONSTRUCTION PERIOD

James Johnson, Provisional Governor	North Carolina	1865
Charles J. Jenkins, Governor	South Carolina	1865-1868
Brig. Gen. Thomas H. Ruger, Provisional Governor	New York	1868
Rufus B. Bullock, Provisional Governor and Governor	New York	1868-1871
Benjamin Conley, President of Senate and Acting Governor	New Jersey	1871-1872

RESTORATION OF STATE CONTROL

James M. Smith, Governor	Georgia	1872-1877
Alfred H. Colquitt, Governor	Georgia	1877-1882
Alexander H. Stephens, Governor	Georgia	1882-1883
James S. Boynton, President of Senate and Acting Governor	Georgia	1883
Henry D. McDaniel, Governor	Georgia	1883-1886
John B. Gordon, Governor	Georgia	1886-1890
William J. Northen, Governor	Georgia	1890-1894
William Y. Atkinson, Governor	Georgia	1894-1898
Allen D. Candler, Governor	Georgia	1898-1902
Joseph M. Terrell, Governor	Georgia	1902-1907
Hoke Smith, Governor	Georgia	1907-1909
Joseph M. Brown, Governor	Georgia	1909-1911
John M. Slaton, President of Senate and Acting Governor	Georgia	1911-1912
Joseph M. Brown, Governor	Georgia	1912-1913
John M. Slaton, Governor	Georgia	1913-1915
Nathaniel E. Harris, Governor	Tennessee	1915-1917
Hugh M. Dorsey, Governor	Georgia	1917-1921
Thomas W. Hardwick, Governor	Georgia	1921-1923
Clifford Walker, Governor	Georgia	1923-1927
Lamartine G. Hardman, Governor	Georgia	1927-1931
Richard B. Russell, Jr., Governor	Georgia	1931-1933
Eugene Talmadge, Governor	Georgia	1933-1937

	<i>Born</i>	<i>Term</i>
Eurith D. Rivers, Governor	Arkansas	1937-1941
Eugene Talmadge, Governor	Georgia	1941-1943
Ellis Arnall, Governor	Georgia	1943-1947
Herman E. Talmadge, Governor de facto	Georgia	1947
Melvin Thompson, Lieutenant Governor and Acting Governor	Georgia	1947-1948
Herman E. Talmadge, Governor	Georgia	1948-1954
S. Marvin Griffin, Governor	Georgia	1954-1958
S. Ernest Vandiver, Governor	Georgia	1958-

RECENT CONSTITUTIONAL OFFICERS

LIEUTENANT GOVERNOR

Melvin E. Thompson, January 18, 1947	(Made Acting Governor after 67 days by State Supreme Court decision)
S. Marvin Griffin 1948-1955	
S. Ernest Vandiver 1955-1959	
Garland T. Byrd 1959-	

SECRETARY OF STATE

H. B. Strange	1898-1918
S. G. McLendon	1919-1928 (died in office)
George S. Carswell	1928-1931
John B. Wilson	1931-1946 (died in office)
Ben W. Fortson, Jr.,	1946-

COMPTROLLER GENERAL

William B. Harrison	1937-1940 (died in office)
C. Downing Musgrove	1940-1941
Homer C. Parker	1941-1946 (died in office)
William R. Mitchell	1946-1947
Zack D. Cravey	1947-

ATTORNEY GENERAL

Lawrence S. Camp	1932-1933
Manning J. Yeomans	1933-1939 (resigned)
Ellis G. Arnall	1939-1943
Thomas Grady Head	1943-1945 (resigned)
Eugene Cook	1945-

STATE TREASURER

R. E. Park	1900-1909
J. Pope Brown	1909-1911
W. J. Speer	1911-1931 (died in office)
Mercer L. Ledford	1931-1933 (died in office)
George B. Hamilton	1933-

(James B. (Jobe) Daniel, de facto Treasurer, February 1936-January 1937 by appointment of Eugene Talmadge. Hamilton remained Treasurer de jure)

STATE SUPERINTENDENT OF SCHOOLS

N. H. Ballard	1923-1925
F. E. Land	1925-1927 (died in office)
Mell L. Duggan	1927-1933
M. D. Collins	1933-1958 (resigned)
Claude Purcell	1958-

COMMISSIONER OF AGRICULTURE

George C. Adams	1933-1935
Tom Linder	1935-1937
Columbus Roberts	1937-1941
Tom Linder	1941-1955
Phil Campbell	1955-

COMMISSIONER OF LABOR (COMMERCE AND LABOR 1912-1937)

Hal M. Stanley	1912-1937
Tolly Eugene Whitaker	1937-1938
Ben T. Huiet	1938-

GEORGIA PUBLIC SERVICE COMMISSIONERS

Walter R. McDonald	1923-1933, 1935-To date
Matt L. McWhorter	1936-
Allen A. Chappell	1941-
Clifford L. Pilcher	1953-
Ben T. Wiggins	1959-

UNITED STATES SENATORS FROM GEORGIA—TOTAL 51

GUNN LINE OF SUCCESSION

Address

James Gunn	1789-1801	Savannah
James Jackson	1801-1806	Savannah

John Milledge	1806-1809	Augusta
Charles Tait	1809-1819	Elbert County
John Elliott	1819-1825	Sunbury
John M. Berrien	1825-1829	Savannah
John Forsyth ¹	1829-1834	Augusta and Columbus
Alfred Cuthbert	1835-1843	Monticello
Walter T. Colquitt	1843-1848	Columbus
Herschel V. Johnson	1848-1849	Milledgeville
William C. Dawson	1849-1855	Greensboro
Alfred Iverson	1855-1861	Columbus
H. V. M. Miller ²	1871-1871	Rome
T. M. Norwood	1871-1877	Savannah
Benjamin Hill	1877-1882	Atlanta
Pope Barrow	1882-1883	Athens
Alfred H. Colquitt	1883-1894	Columbus
Patrick Walsh	1894-1895	Augusta
Augustus O. Bacon	1895-1914	Augusta
William S. West	1914-1914	Macon
Thomas W. Hardwick	1914-1919	Sandersville
William J. Harris	1919-1932	Cedartown
John S. Cohen	1932-1933	Atlanta
Richard B. Russell	1933-	Winder

¹Resigned to become Andrew Jackson's Secretary of State.

²Seated after Reconstruction.

FEW LINE OF SUCCESSION

		<i>Address</i>
William Few	1789-1793	Augusta
James Jackson ¹	1793-1795	Savannah
George Walton	1795-1796	Augusta
Josiah Tattnall	1796-1799	Savannah
Abraham Baldwin ²	1799-1807	Savannah and Wilkes County
George Jones	1807-1807	Savannah
William H. Crawford ³	1807-1813	Lexington
W. B. Bullock	1813-1813	Savannah
W. W. Bibb	1813-1816	Petersburg
George M. Troup	1816-1818	Dublin
John Forsyth	1818-1819	Augusta and Columbus
Freeman Walker	1819-1821	Augusta
Nicholas Ware	1821-1824	Augusta

¹Resigned to enter state legislature and fight Yazoo Fraud.

²President Pro Tem.

³Resigned to become Minister to France.

		<i>Address</i>
Thomas W. Cobb	1824-1828	Greensboro
Oliver H. Prince	1828-1829	Macon
George M. Troup	1829-1833	Dublin
John P. King	1833-1837	Augusta
Wilson Lumpkin	1837-1841	Athens
John M. Berrien	1841-1852	Savannah
Robert M. Charlton	1852-1853	Savannah
Robert Toombs	1853-1861	Washington-Wilkes
Joshua Hill ⁴	1871-1873	Madison
John B. Gordon	1873-1880	Atlanta
Joseph E. Brown	1880-1891	Atlanta
John B. Gordon	1891-1897	Atlanta
Alexander S. Clay	1897-1910	Marietta
Joseph M. Terrell	1910-1911	Greenville
Hoke Smith	1911-1921	Atlanta
Thomas E. Watson	1921-1922	Thomson
Mrs. Rebecca L. Felton	1922-1922	Cartersville
Walter F. George ⁵	1922-1957	Vienna
Herman Talmadge	1957-	Lovejoy

⁴Seated after Reconstruction.

⁵President Pro Tem.

APPENDIX II

CHRONOLOGICAL LIST OF ORGANIC ACTS AND STATE CONSTITUTIONS OF GEORGIA

1. Charter of the Colony of Georgia, 1732.
Grant of George II, King of Great Britain.
2. Constitution of 1777.
Constitutional Convention, Oct. 1, 1776-Feb. 5, 1777.
3. Constitution of 1789.
Constitutional Convention, Nov. 4-24, 1788; Jan. 4-20, 1789;
May 4-6, 1789; May 16, 1795.
4. Constitution of 1798.
Constitutional Convention, May 8-(30?), 1798.
5. Constitution of 1861.
Constitutional Convention, Jan. 16-March 23, 1861.
6. Constitution of 1865.
Constitutional Convention, Oct. 25-Nov. 8, 1865.
7. Constitution of 1868.
Constitutional Convention, Dec. 9, 1867-March 11, 1868.
8. Constitution of 1877.
Constitutional Convention, July 11, 1877-August 25, 1877.
9. Constitution of 1945.
Ratified General Election, August 7, 1945; Governor's Proclamation, August 13, 1945.

CONSTITUTION OF THE STATE OF GEORGIA

PREAMBLE

To perpetuate the principles of free government, insure justice to all, preserve peace, promote the interest and happiness of the citizen, and transmit to posterity the enjoyment of liberty, we, the people of Georgia, relying upon the protection and guidance of Almighty God, do ordain and establish this Constitution.

ARTICLE I.

BILL OF RIGHTS

SECTION I.

Paragraph I. *Origin and Foundation of Government.* All government, of right, originates with the people, is founded upon their will only, and is instituted solely for the good of the whole. Public officers are the trustees and servants of the people, and at all times, amenable to them.

Paragraph II. *Protection the Duty of Government.* Protection to person and property is the paramount duty of government, and shall be impartial and complete.

Paragraph III. *Life, Liberty, and Property.* No person shall be deprived of life, liberty, or property, except by due process of law.

Paragraph IV. *Right to the Courts.* No person shall be deprived of the right to prosecute or defend his own cause in any of the courts of this State, in person, by attorney, or both.

Paragraph V. *Benefit of Counsel; Accusation; List of Witnesses; Compulsory Process; Trial by Jury.* Every person charged with an offense against the laws of this State shall have the privilege and benefit of counsel; shall be furnished, on demand, with a copy of the accusation, and a list of the witnesses on whose testimony the charge against him is founded; shall have compulsory process to obtain the testimony of his own witnesses; shall be confronted with the witnesses testifying against him; and shall have a public and speedy trial by an impartial jury.

Paragraph VI. *Crimination of Self not Compelled.* No person shall be compelled to give testimony tending in any manner to criminate himself.

Paragraph VII. *Banishment and Whipping as Punishment for Crime.* Neither banishment beyond the limits of the State, nor whipping, as a punishment for crime, shall be allowed.

Paragraph VIII. *Jeopardy of Life or Liberty More Than Once Forbidden.* No person shall be put in jeopardy of life, or liberty, more than once for the same offense, save on his, or her own motion for a new trial after conviction, or in case of mistrial.

Paragraph IX. *Bail; Fines; Punishment, Arrest, Abuse of Prisoners.* Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted; nor shall any person be abused in being arrested, while under arrest, or in prison.

Paragraph X. *Costs.* No person shall be compelled to pay costs except after conviction on final trial.

Paragraph XI. *Habeas Corpus.* The writ of Habeas Corpus shall not be suspended.

Paragraph XII. *Freedom of Conscience.* All men have the natural and inalienable right to worship God, each according to the dictates of his own conscience, and no human authority should, in any case, control or interfere with such right of conscience.

Paragraph XIII. *Religious Opinions; Liberty of Conscience.* No inhabitant of this State shall be molested in person or property, or prohibited from holding any public office, or trust, on account of his religious opinions; but the right of liberty of conscience shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the State.

Paragraph XIV. *Appropriations to Churches, Sects, Etc., Forbidden.* No money shall ever be taken from the public Treasury, directly or indirectly, in aid of any church, sect, or denomination of religionists, or of any sectarian institution.

Paragraph XV. *Liberty of Speech or of the Press Guaranteed.* No law shall ever be passed to curtail, or restrain the liberty of speech, or

of the press; any person may speak, write and publish his sentiments, on all subjects, being responsible for the abuse of that liberty.

Paragraph XVI. *Searches, Seizures, and Warrants.* The right of the people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue except upon probable cause, supported by oath, or affirmation, particularly describing the place, or places, to be searched, and the persons or things to be seized.

Paragraph XVII. *Slavery and Involuntary Servitude.* There shall be within the State of Georgia neither slavery nor involuntary servitude, save as a punishment for crime after legal conviction thereof.

Paragraph XVIII. *Status of the Citizen.* The social status of the citizen shall never be the subject of legislation.

Paragraph XIX. *Civil Authority Superior to Military.* The civil authority shall be superior to the military, and no soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, except by the civil magistrate, in such manner as may be provided by law.

Paragraph XX. *Contempts.* The power of the Courts to punish for contempt shall be limited by legislative acts.

Paragraph XXI. *Imprisonment for Debt.* There shall be no imprisonment for debt.

Paragraph XXII. *Arms, Right to Keep and Bear.* The right of the people to keep and bear arms, shall not be infringed, but the General Assembly shall have power to prescribe the manner in which arms may be borne.

Paragraph XXIII. *Legislative, Judicial, and Executive Powers, Separate.* The legislative, judicial and executive powers shall forever remain separate and distinct, and no person discharging the duties of one, shall, at the same time, exercise the functions of either of the others, except as herein provided.

Paragraph XXIV. *Right to Assemble and Petition.* The people have the right to assemble peaceably for their common good and to apply to those vested with the powers of government for redress of grievances by petition or remonstrance.

Paragraph XXV. *Citizens, Protection of.* All citizens of the United States, resident in this State, are hereby declared citizens of this State, and it shall be the duty of the General Assembly to enact such laws as will protect them in the full enjoyment of the rights, privileges and immunities due to such citizenship.

SECTION II.

Paragraph I. *Libel; Jury in Criminal Cases; New Trials.* In all prosecutions or indictments for libel the truth may be given in evidence; and the jury in all criminal cases, shall be the judges of the law and the facts. The power of the judges to grant new trials, in case of conviction, is preserved.

Paragraph II. *Treason.* Treason against the State of Georgia shall consist of levying war against her; adhering to her enemies; giving them aid and comfort. No person shall be convicted of treason, except on the

testimony of two witnesses to the same overt act, or confession in open court.

Paragraph III. *Conviction, Effect of.*—No conviction shall work corruption of blood, or forfeiture of estate.

Paragraph IV. *Lotteries.* All lotteries, and the sale of lottery tickets, are hereby prohibited; and this prohibition shall be enforced by penal laws.

Paragraph V. *Lobbying, Penalties.* Lobbying is declared to be a crime, and the General Assembly shall enforce this provision by suitable penalties.

Paragraph VI. *Fraud; Concealment of Property.* The General Assembly shall have the power to provide for the punishment of fraud; and, shall provide by law, for reaching property of the debtor concealed from the creditor.

SECTION III.

Paragraph I. *Private Ways; Just Compensation.* In case of necessity, private ways may be granted upon just compensation being first paid by the applicant. Private property shall not be taken, or damaged, for public purposes, without just and adequate compensation being first paid.

Paragraph II. *Attainder; Ex Post Facto and Retroactive Laws, Etc.* No bill of attainder, ex post facto law, retroactive law, or law impairing the obligation of contracts, or making irrevocable grant of special privileges or immunities, shall be passed.

Paragraph III. *Revocation of Tax Exemptions.* All exemptions from taxation heretofore granted in corporate charters are declared to be henceforth null and void.

SECTION IV.

Paragraph I. *General Laws; Uniform Operation; How Varied.* Laws of a general nature shall have uniform operation throughout the State, and no special law shall be enacted in any case for which provision has been made by an existing general law. No general law affecting private rights, shall be varied in any particular case, by special legislation, except with the free consent, in writing, of all persons to be affected thereby; and no person under legal disability to contract, is capable of such consent.

Paragraph II. *What Acts Void.* Legislative acts in violation of this Constitution, or the Constitution of the United States, are void, and the Judiciary shall so declare them.

SECTION V.

Paragraph I. *State Rights.* The people of this State have the inherent, sole and exclusive right of regulating their internal government, and the police thereof, and of altering and abolishing their Constitution whenever it may be necessary to their safety and happiness.

Paragraph II. *Enumeration of Rights Not Denial of Others.* The enumeration of rights herein contained as a part of this Constitution shall not be construed to deny to the people any inherent rights which they may have hitherto enjoyed.

SECTION VI.

Paragraph I. *Tidewater Titles; Confirmed.* The Act of the General Assembly approved December 6, 1902, which extends the title of ownership of lands abutting on tidal water to low water mark is hereby ratified and confirmed.

ARTICLE II.

ELECTIVE FRANCHISE

SECTION I.

Paragraph I. *Elections by Ballot; Registration of Voters.* Elections by the people shall be by ballot, and only those persons shall be allowed to vote who have been first registered in accordance with the requirements of law.

Paragraph II. *Who Shall Be an Elector Entitled to Register and Vote.* Every citizen of this State who is a citizen of the United States, eighteen years old or upward, not laboring under any of the disabilities named in this Article, and possessing the qualifications provided by it, shall be an elector and entitled to register and vote at any election by the people: Provided, that no soldier, sailor or marine in the military or naval services of the United States shall acquire the rights of an elector by reason of being stationed on duty in this State.

Paragraph III. *Who Entitled to Register and Vote.* To entitle a person to register and vote at any election by the people, he shall have resided in the State one year next preceding the election, and in the county in which he offers to vote six months next preceding the election.

Paragraph IV. *Qualifications of Electors.* Every citizen of this State shall be entitled to register as an elector, and to vote in all elections in said State, who is not disqualified under the provisions of Section II of Article II of this Constitution, and who possesses the qualifications prescribed in Paragraphs II and III of this Section or who will possess them at the date of the election occurring next after his registration, and who in addition thereto comes within either of the classes provided for in the two following subdivisions of this paragraph.

1. All persons who are of good character and understand the duties and obligations of citizenship under a republican form of government; or,

2. All persons who can correctly read in the English language any paragraph of the Constitution of the United States or of this State and correctly write the same in the English language when read to them by any one of the registrars, and all persons who solely because of physical disability are unable to comply with the above requirements but who can understand and give a reasonable interpretation of any paragraph of the Constitution of the United States or of this State that may be read to them by any one of the registrars.

Paragraph V. *Appeal from Decision of Registrars.* Any person to whom the right of registration is denied by the registrars upon the ground that he lacks the qualifications set forth in the two subdivisions of Paragraph IV shall have the right to take an appeal, and any citizen may enter an appeal from the decision of the registrars allowing any person

to register under said subdivisions. All appeals must be filed in writing with the registrars within ten days from the date of the decision complained of, and shall be returned by the registrar to the office of the clerk of the superior court to be tried as other appeals.

Paragraph VI. *Judgment of Force Pending Appeal.* Pending an appeal and until the final decision of the case, the judgment of the registrars shall remain in full force.

SECTION II.

Paragraph I. *Registration of Electors; Who Disfranchised.* The General Assembly may provide, from time to time, for the registration of all electors, but the following classes of persons shall not be permitted to register, vote or hold any office, or appointment of honor, or trust in this State, to-wit: 1st. Those who shall have been convicted in any court of competent jurisdiction of treason against the State, of embezzlement of public funds, malfeasance in office, bribery or larceny, or of any crime involving moral turpitude, punishable by the laws of this State with imprisonment in the penitentiary, unless such persons shall have been pardoned. 2nd. Idiots and insane persons.

SECTION III.

Paragraph I. *Privilege of Electors from Arrest.* Electors shall, in all cases, except for treason, felony, larceny, and breach of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from the same.

SECTION IV.

Paragraph I. *Holder of Public Funds.* No person who is the holder of any public money, contrary to law, shall be eligible to any office in this State until the same is accounted for and paid into the Treasury.

SECTION V.

Paragraph I. *Sale of Liquors on Election Days.* The General Assembly shall by law forbid the sale of intoxicating drinks in this State or any political subdivision thereof on all days for the holding of any election in the area in which such election is held and prescribe punishment for any violation of the same.

SECTION VI.

Paragraph I. *Returns Made to Whom.* Returns of election for all civil officers elected by the people, who are to be commissioned by the Governor, and also for members of the General Assembly, shall be made to the Secretary of State, unless otherwise provided by law.

ARTICLE III.

LEGISLATIVE DEPARTMENT

SECTION I.

Paragraph I. *Power Vested in General Assembly.* The legislative power

of the State shall be vested in a general Assembly which shall consist of a Senate and House of Representatives.

SECTION II.

Paragraph I. *Number of Senators and Senatorial Districts.* The Senate shall consist of not more than fifty-four members and there shall be not more than fifty-four Senatorial Districts with one Senator from each District as now constituted, or as hereafter created. The various Senatorial Districts shall be comprised of the counties as now provided, and the General Assembly shall have authority to create, rearrange and change these Districts within the limitation herein stated.

SECTION III.

Paragraph I. *Number of Representatives.* The House of Representatives shall consist of representatives apportioned among the several counties of the State as follows: To the eight counties having the largest population, three representatives each; to the thirty counties having the next largest population, two representatives each; and to the remaining counties, one representative each.

Paragraph II. *Apportionment Changed, How.* The above apportionment shall be changed by the General Assembly at its first session after each census taken by the United States Government in accordance with the provisions of Paragraph I of Section III of this article.

SECTION IV.

Paragraph I. *Term of Members.* The members of the General Assembly shall be elected for two years and shall serve until the time fixed by law for the convening of the General Assembly in the year following the second year of such members term of office.

Paragraph II. *Election, When.* The first election for members of the General Assembly, under this Constitution shall take place on Tuesday after the first Monday in November, 1946, and subsequent elections biennially, on that day, until the day of election is changed by law.

Paragraph III. *Meeting of the General Assembly.* The General Assembly shall meet in regular session on the second Monday in January, 1955, and annually thereafter on the same day until the date shall be changed by law. By concurrent resolution adopted by a majority of members elected to both houses, the General Assembly may adjourn any regular session to such later date as it may fix for reconvening in regular session, but shall remain in regular session no longer than forty (40) days, in the aggregate, in each year during the term for which the members were elected. All business pending in the Senate or House at the adjournment of any regular session may be considered at any later regular session of the same General Assembly, as if there had been no adjournment. Nothing herein shall be construed to affect the power of the Governor to convoke the General Assembly in extraordinary session, or the duty of the Governor to convene the General Assembly in extraordinary session upon the certificate of three-fifths of the members elected to the Senate and the House of Representatives, as provided in Article V, Section I, Paragraph XII of this Constitution. If an impeach-

ment trial is pending at the end of any regular or extraordinary session, the Senate may continue in session until such trial is completed.

Paragraph IV. *Quorum*. A majority of each House shall constitute a quorum to transact business; but a smaller number may adjourn from day to day and compel the presence of its absent members, as each house may provide.

Paragraph V. *Oath of Members*. Each Senator and Representative, before taking his seat, shall take the following oath, or affirmation, to-wit: "I will support the Constitution of this State and of the United States, and on all questions and measures which may come before me, I will so conduct myself, as will, in my judgment, be most conducive to the interests and prosperity of this State."

Paragraph VI. *Eligibility; Appointments Forbidden*. No person holding a military commission, or other appointment, or office, having any emolument, or compensation annexed thereto, under this State, or the United States, or either of them except Justices of the Peace and officers of the militia, nor any defaulter for public money, or for any legal taxes required of him shall have a seat in either house; nor shall any Senator, or Representative, after his qualification as such, be elected by the General Assembly, or appointed by the Governor, either with or without the advice and consent of the Senate, to any office or appointment having any emolument annexed thereto, during the time for which he shall have been elected, unless he shall first resign his seat, provided, however, that during the term for which he was elected no Senator or Representative shall be appointed to any civil office which has been created during such term.

Paragraph VII. *Removal from District or County, Effect of*. The seat of a member of either house shall be vacated on his removal from the district or county from which he was elected.

SECTION V.

Paragraph I. *Qualifications of Senators*. The Senators shall be citizens of the United States, who have attained the age of twenty-five years, and who shall have been citizens of this State for four years, and for one year residents of the district from which elected.

Paragraph II. *President*. The presiding officer of the Senate shall be styled the President of the Senate. A President Pro Tempore shall be elected viva voce from the Senators and shall act in case of the death, resignation or disability of the President, or in the event of his succession to the executive power.

Paragraph III. *Impeachments*. The Senate shall have the sole power to try impeachments.

Paragraph IV. *Trial of Impeachments*. When sitting for that purpose, the members shall be on oath, or affirmation, and shall be presided over by the Chief Justice or the Presiding Justice of the Supreme Court. Should the Chief Justice be disqualified, the Senate shall select a Justice of the Supreme Court to preside. No person shall be convicted without the concurrence of two-thirds of the members present.

Paragraph V. *Judgments in Impeachments*. Judgments, in cases of

impeachment, shall not extend further than removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, within this State; but the party convicted shall nevertheless, be liable, and subject, to indictment, trial, judgment, and punishment, according to law.

SECTION VI.

Paragraph I. *Qualifications of Representatives.* The Representatives shall be citizens of the United States who have attained the age of twenty-one years and who shall have been citizens of this State for two years, and for one year residents of the counties from which elected.

Paragraph II. *Speaker.* The presiding officer of the House of Representatives shall be styled the Speaker of the House of Representatives, and shall be elected *viva voce* from the body.

Paragraph III. *Power to Impeach.* The House of Representatives shall have the sole power to vote impeachment charges against all persons who shall have been or may be in office.

SECTION VII.

Paragraph I. *Election, Returns, Etc.; Disorderly Conduct.* Each House shall be the judge of the election, returns, and qualifications of its members and shall have power to punish them for disorderly behavior, or misconduct, by censure, fine, imprisonment or expulsion; but no member shall be expelled, except by a vote of two-thirds of the House to which he belongs.

Paragraph II. *Contempts, How Punished.* Each House may punish by imprisonment, not extending beyond the session, any person, not a member, who shall be guilty of a contempt, by any disorderly behavior in its presence, or who shall rescue, or attempt to rescue, any person arrested by order of either House.

Paragraph III. *Privilege of Members.* The members of both Houses shall be free from arrest during their attendance on the General Assembly, and in going thereto, or returning therefrom, except for treason, felony, larceny, or breach of the peace; and no member shall be liable to answer in any other place for anything spoken in debate in either House.

Paragraph IV. *Journals and Acts.* Each House shall keep a journal of its proceedings, and publish it immediately after its adjournment. The General Assembly shall provide for the publication of the laws passed by each session.

Paragraph V. *Where Journals Kept.* The original journal shall be preserved after publication, in the office of the Secretary of State, but there shall be no other record thereof.

Paragraph VI. *Yeas and Nays, When Taken.* The yeas and nays on any question shall, at the desire of one-fifth of the members present, be entered on the Journal.

Paragraph VII. *Bills to Be Read.* Every bill, before it shall pass, shall be read three times, and on three separate days, in each House, unless in cases of actual invasion, or insurrection, but the first and second

reading of each local bill, shall consist of the reading of the title only, unless said bill is ordered to be engrossed.

Paragraph VIII. *One Subject Matter Expressed.* No law shall pass which refers to more than one subject matter, or contains matter different from what is expressed in the title thereof.

Paragraph IX. *General Appropriation Bill.* The General appropriation bill shall embrace nothing except appropriations fixed by previous laws, the ordinary expenses of the Executive, Legislative and Judicial Departments of the Government, payment of the public debt and interest thereon, and for the support of the public institutions and educational interests of the State. All other appropriations shall be made by separate bills, each embracing but one subject.

Paragraph X. *Bills for Revenue.* All bills for raising revenue, or appropriating money, shall originate in the House of Representatives, but the Senate may propose, or concur in amendments, as in other bills.

Paragraph XI. *Public Money, How Drawn.* No money shall be drawn from the Treasury except by appropriation made by law.

Paragraph XII. *Bills Appropriating Money.* No bill or resolution appropriating money shall become a law unless, upon its passage, the yeas and nays, in each house, are recorded.

Paragraph XIII. *Acts Signed; Rejected Bills.* All acts shall be signed by the President of the Senate and the Speaker of the House of Representatives, and no bill or resolution, intended to have the effect of a law, which shall have been rejected by either house, shall be again proposed during the same session, under the same or any other title, without the consent of two-thirds of the House by which the same was rejected.

Paragraph XIV. *Majority of Members to Pass Bill.* No bill shall become a law unless it shall receive a majority of the votes of all the members elected to each House of the General Assembly, and it shall, in every instance, so appear on the Journal.

Paragraph XV. *Notice of Intention to Ask Local Legislation Necessary.* No local or special bill shall be passed, unless notice of the intention to apply therefor shall have been published in the newspaper in which the Sheriff's advertisements for the locality affected are published, once a week for three weeks during a period of sixty days immediately preceding its introduction into the General Assembly. No local or special bill shall become law unless there is attached to and made a part of said bill a copy of said notice certified by the publisher, or accompanied by an affidavit of the author, to the effect that said notice has been published as provided by law. No office to which a person has been elected shall be abolished, nor the term of the office shortened or lengthened by local or special bill during the term for which such person was elected unless the same be approved by the people of the jurisdiction affected in a referendum on the question. When any local law shall add any member or members to any municipal or county governing authority, the members of which are elected by the people, such local law must provide that the member or members so added must be elected by the qualified voters of the political subdivision affected under such rules as the General Assembly may in said law provide.

Paragraph XVI. *Statutes and Sections of Code, How Amended.* No law, or section of the code, shall be amended or repealed by mere reference to its title, or to the number of the section of the Code, but the amending, or repealing act, shall distinctly describe the law to be amended or repealed, as well as the alteration to be made.

Paragraph XVII. *Corporate Powers, How Granted.* The General Assembly shall have no power to grant corporate powers and privileges to private companies, to make or change election precincts, nor to establish bridges or ferries, nor to change names of legitimate children; but it shall prescribe by law the manner in which such powers shall be exercised by the courts; it may confer this authority to grant corporate powers and privileges to private companies to the judges of the superior courts of this State in vacation. All corporate powers and privileges to banking, trust, insurance, railroad, canal, navigation, express and telegraph companies shall be issued and granted by the Secretary of State in such manner as shall be prescribed by law; and if in any event the Secretary of State should be disqualified to act in any case then in that event the legislature shall provide by general laws by what person such charter shall be granted.

Paragraph XVIII. *Recognizances.* The General Assembly shall have no power to relieve principals or securities upon forfeited recognizances, from the payment thereof, either before or after judgment thereon, unless the principal in the recognizances shall have been apprehended and placed in the custody of the proper officers.

Paragraph XIX. *Yeas and Nays to Be Entered, When.* Whenever the Constitution requires a vote of two-thirds of either or both houses for the passage of an act or resolution, the yeas and nays on the passage thereof shall be entered on the Journal.

Paragraph XX. *Powers of the General Assembly.* The General Assembly shall have the power to make all laws consistent with this Constitution, and not repugnant to the Constitution of the United States, which they shall deem necessary and proper for the welfare of the State.

Paragraph XXI. *Signature of Governor.* No provision in this Constitution for a two-thirds vote of both houses of the General Assembly shall be construed to waive the necessity for the signature of the Governor as in any other case, except in the case of the two-thirds vote required to override the veto, to submit constitutional amendment, and in case of prolongation of a session of the General Assembly.

Paragraph XXII. *Adjournments.* Neither House shall adjourn for more than three days, or to any other place, without the consent of the other, and in case of disagreement between the two Houses, on a question of adjournment, the Governor may adjourn either, or both of them.

Paragraph XXIII. *Zoning and Planning Laws.* The General Assembly of the State shall have authority to grant the governing authorities of the municipalities and counties authority to pass zoning and planning laws whereby such cities or counties may be zoned or districted for various uses and other or different uses prohibited therein, and regulating the use for which said zones or districts may be set apart, and regulating the plans for development and improvements on real estate therein.

Paragraph XXIV. *Civil Service—Equal Preference to Veterans.* Neither

the State of Georgia, nor any political subdivision thereof, shall inaugurate or maintain any civil service scheme of any nature whatever which fails to provide for honorably discharged veterans of any war, and the said State of Georgia, or any political subdivision shall, if a civil service scheme is originated or is already in force, provide equal preferences according to such veterans as now exist under Federal Civil Service Laws.

Paragraph XXV. *Street Railways.* The General Assembly shall not authorize the construction of any street passenger railway, within the limits of any incorporate town or city, without the consent of the Corporate Authorities.

SECTION VIII.

Paragraph I. *Officers of the Two Houses.* The officers of the two houses, other than the President of the Senate and Speaker of the House, shall be a President Pro Tempore and Secretary of the Senate and Speaker Pro Tempore and Clerk of the House of Representatives, and such assistants as each House may provide for.

SECTION IX.

Paragraph I. *Compensation, Expense and Mileage.* The per diem of members of the General Assembly shall be \$10.00 per day plus the additional sum of \$5.00 per day for maintenance expense; and the mileage shall not exceed 10 cents for each mile traveled by the nearest practical route in going to and returning from the Capitol; but the President Pro Tempore of the Senate, when serving as presiding officer thereof, and the Speaker of the House of Representatives, shall each receive \$15.00 per day as per diem plus the additional sum of \$5.00 per day for maintenance expense.

SECTION X.

Paragraph I. *Viva Voce Vote; Place of Meeting.* All elections by the General Assembly shall be viva voce, and the vote shall appear on the Journal of the House of Representatives. When the Senate and House of Representatives unite for the purpose of elections, they shall meet in the Representative Hall, and the President of the Senate shall, in such cases, preside and declare the result.

SECTION XI.

Paragraph I. *Salaries of Elective Officials; How Changed.* The General Assembly may, at any time, by a majority vote of both branches prescribe other and different salaries for all the elective officers provided for in this Constitution, but no such change shall diminish the amount of any salary set forth in the Constitution.

ARTICLE IV.

PUBLIC UTILITIES, EMINENT DOMAIN, POLICE POWER,
INSURANCE COMPANIES, CONTRACTS, ETC.

SECTION I.

Paragraph I. *Public Utility Tariffs and Charges.* The power and

authority of regulating railroad freight and passenger tariffs and of charges of public utilities for their services, of preventing unjust discrimination, and requiring reasonable and just rates of freight and passenger tariffs and of charges of public utilities, are hereby conferred upon the General Assembly, whose duty it shall be to pass laws from time to time, to regulate such tariffs and charges, to prohibit unjust discriminations by the various railroads and public utilities of this State, and to prohibit said railroads and public utilities from charging other than just and reasonable rates and to enforce the same by adequate penalties, provided, nevertheless, that such power and authority shall never be exercised in any way to regulate or fix charges of such public utilities as are or may be owned or operated by any county or municipality of this State; except as provided in this Constitution.

Paragraph II. *Rebates.* No public utility company shall give, or pay, any rebate, or bonus in the nature thereof, directly or indirectly, or do any act to mislead or deceive the public as to the real rates charged or received for freight or passage or services furnished, any such payments shall be illegal and void; and these prohibitions shall be enforced by suitable penalties.

SECTION II.

Paragraph I. *Right of Eminent Domain.* The exercise of the right of eminent domain shall never be abridged, nor so construed as to prevent the General Assembly from taking property and franchises, and subjecting them to public use.

Paragraph II. *Police Power.* The exercise of the police power of the State shall never be abridged, nor so construed as to permit the conduct of business in such manner as to infringe the equal rights of others, or the general well-being of the State.

SECTION III.

Paragraph I. *Charters Revived or Amended Subject to Constitution.* The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, nor alter or amend the same, nor pass any other general or special law, for the benefit of said corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of the Constitution; and every amendment of any charter of any corporation in this State, or any special law for its benefit, accepted thereby, shall operate as a novation of said charter and shall bring the same under the provision of this Constitution.

SECTION IV.

Paragraph I. *Contracts to Defeat Competition.* All contracts and agreements, which may have the effect, or be intended to have the effect, to defeat or lessen competition, or to encourage monopoly, shall be illegal and void. The General Assembly of this State shall have no power to authorize any such contract or agreement.

Paragraph II. *General Assembly to Enforce Article.* The General Assembly shall enforce the provisions of this Article by appropriate legislation.

Paragraph III. *Public Service Commission as Constitutional Officers.* There shall be a Public Service Commission for the regulation of utilities, vested with the jurisdiction, powers and duties now provided by law or that may hereafter be prescribed by the General Assembly, not inconsistent with other provisions of this Constitution. Such Commission shall consist of five members, who shall be elected by the people. A chairman shall be selected by the members of the Commission from its membership. The first Commission under this amendment shall consist of the commissioners in office at the time of the adoption of this constitutional amendment and they shall serve until December 31 after the general election at which the successor of each member is elected. Thereafter all succeeding terms of members shall be for six years. The qualifications, compensations, filling of vacancies, manner and time of election, power and duties of members of the Commission, including the chairman, shall be such as are now or may hereafter be provided by the General Assembly.

SECTION V.

Paragraph I. *Wife's Separate Estate.* All property of the wife at the time of her marriage, and all property given to, inherited or acquired by her, shall remain her separate property, and not be liable for the debts of her husband.

SECTION VI.

Paragraph I. *Nonresident Insurance Companies.* All life insurance companies now doing business in this State, or which may desire to establish agencies and do business in the State of Georgia, chartered by other States of the Union, or foreign States, shall show that they have deposited with the Comptroller General of the State in which they are chartered, or of this State, the Insurance Commissioner, or such other officer as may be authorized to receive it, not less than one hundred thousand dollars, in such securities as may be deemed by such officer equivalent to cash, subject to his order, as a guarantee fund for the security of policy-holders.

Paragraph II. *License by Comptroller General.* When such showing is made to the Comptroller General of the State of Georgia by a proper certificate from the State official having charge of the funds so deposited, the Comptroller General of the State of Georgia is authorized to issue to the company making such showing, a license to do business in the State, upon paying the fees required by law.

Paragraph III. *Resident Insurance Companies; Guarantee Fund.* All life insurance companies chartered by the State of Georgia, or which may hereafter be chartered by the State, shall, before doing business, deposit with the Comptroller General of the State of Georgia, or with some strong corporation, which may be approved by said Comptroller General, one hundred thousand dollars, in such securities as may be deemed by him equivalent to cash, to be subject to his order, as a guarantee fund for the security of the policy-holders of the company making such deposit, all interest and dividends from such securities to be paid, when due, to the company so depositing. Any such securities as may be needed or desired by the company may be taken from said department at any time by replacing

them with other securities equally acceptable to the Comptroller General, whose certificate for the same shall be furnished to the company.

Paragraph IV. *General Assembly to Enact Laws for People's Protection, Etc.* The General Assembly shall, from time to time enact laws to compel all fire insurance companies, doing business in this State, whether chartered by this State, or otherwise, to deposit reasonable securities with the Treasurer of this State, to secure the people against loss by the operations of said companies.

Paragraph V. *Reports by Insurance Companies.* The General Assembly shall compel all insurance companies in this State, or doing business therein, under proper penalties, to make annual reports to the Comptroller General, and print the same at their own expense, for the information and protection of the people.

ARTICLE V.

EXECUTIVE DEPARTMENT

SECTION I.

Paragraph I. *Governor; Term of Office; Salary, Etc.* The executive power shall be vested in a Governor, who shall hold his office during the term of four years, and until his successor shall be chosen and qualified. The Governor serving at the time of the adoption of this Constitution and future Governors shall not be eligible to succeed themselves and shall not be eligible to hold the office until after the expiration of four years from the conclusion of his term of office. He shall have a salary of seven thousand five hundred dollars per annum until January 1, 1947. The salary of the Governor for each year thereafter shall be twelve thousand dollars per annum until otherwise provided by a law passed by a majority vote of both branches of the General Assembly, which shall not be increased or diminished during the period for which he shall have been elected; nor shall he receive, within that time, any other emolument from the United States, or either of them, or from any foreign power. The State officers, required by this Constitution to be elected at the same time, for the same term, and in the same manner as the Governor shall also hold office for four years.

Paragraph II. *Election for Governor.* The first election for Governor under this Constitution shall be held on Tuesday after the first Monday in November of 1946, and the Governor-elect shall be installed in office at the next session of the General Assembly. An election shall take place quadrennially thereafter, on said date, until another date be fixed by the General Assembly. Said election shall be held at the places of holding general elections in the several counties of this State, in the manner prescribed for the election of members of the General Assembly, and the electors shall be the same.

Paragraph III. *Returns of Elections.* The returns for every election of Governor shall be sealed up by the managers, separately from other returns, and directed to the President of the Senate and Speaker of the House of Representatives, and transmitted to the Secretary of State, who shall, without opening said returns, cause the same to be laid before the Senate

on the day after the two houses shall have been organized, and they shall be transmitted by the Senate to the House of Representatives.

Paragraph IV. *How Returns Published.* The members of each branch of the General Assembly shall convene in the Representative Hall, and the President of the Senate and the Speaker of the House of Representatives shall open and publish the returns in the presence and under the direction of the General Assembly; and the person having the majority of the whole number of votes, shall be declared duly elected Governor of this State; but, if no person shall have such majority, then from the two persons having the highest number of votes, who shall be in life, and shall not decline an election at the time appointed for the General Assembly to elect, the General Assembly shall immediately, elect a Governor viva voce; and in all cases of election of a Governor by the General Assembly, a majority of the members present shall be necessary to a choice.

Paragraph V. *Contested Elections.* Contested elections shall be determined by both houses of the General Assembly in such manner as shall be prescribed by law.

Paragraph VI. *Qualifications of Governor.* No person shall be eligible to the office of Governor, who shall not have been a citizen of the United States fifteen years, and a citizen of the State six years, and who shall not have attained the age of thirty years.

Paragraph VII. *Lieutenant Governor, Succession to Executive Power.* There shall be a Lieutenant Governor, who shall be elected at the same time, for the same term, and in the same manner as the Governor. He shall be President of the Senate, and shall receive the sum of \$2,000.00 per annum. In case of the death, resignation, or disability of the Governor, the Lieutenant Governor shall exercise the executive power and receive the compensation of the Governor until the next general election for members of the General Assembly, at which a successor to the Governor shall be elected for the unexpired term; but if such death, resignation, or disability shall occur within thirty days of the next general election, or if the term will expire within ninety days after the next general election, the Lieutenant Governor shall exercise the executive power and receive the compensation of the Governor for the unexpired term. If the Lieutenant Governor shall become a candidate for the unexpired term of the Governor, he shall thereby resign his office as Lieutenant Governor, effective upon the qualification of the Governor elected for the unexpired term, and his successor for the unexpired term shall be elected at such election. In case of the death, resignation, or disability of both the Governor and the Lieutenant Governor, the Speaker of the House of Representatives shall exercise the executive power until the removal of the disability or the election and qualification of a Governor at a special election, which shall be held within sixty days from the date on which the Speaker of the House of Representatives shall assume the executive power. A Lieutenant Governor shall be elected at the general election in 1946 and shall qualify at the same time as the Governor. Until the qualification of a Lieutenant Governor the provisions of Article V, Section I, Paragraph VIII of the Constitution of Georgia of 1877 shall remain of full force and effect.

Paragraph VIII. *Unexpired Terms, Filling of.* The General Assembly

shall have power to provide by law, for filling unexpired terms by special elections, except as provided in this Constitution.

Paragraph IX. *Oath of Office.* The Governor shall, before he enters on the duties of his office, take the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will faithfully execute the office of Governor of the State of Georgia, and will, to the best of my ability, preserve, protect, and defend the Constitution thereof, and the Constitution of the United States of America."

Paragraph X. *Commander-in-Chief.* The Governor shall be commander-in-chief of the army and navy of this State, and of the militia thereof.

Paragraph XI. *Reprieves and Pardons; State Board of Pardons and Paroles.* The Governor shall have power to suspend the execution of a sentence of death, after conviction, for offenses against the State, until the State Board of Pardons and Paroles, hereinafter provided, shall have an opportunity of hearing the application of the convicted person for any relief within the power of such Board, or for any other purpose which may be deemed necessary by the Governor. Upon conviction for treason the Governor may only suspend the execution of the sentence and report the case to the General Assembly at the next meeting thereof, when the General Assembly shall either pardon, commute the sentence, direct its execution or grant a further reprieve. The Governor shall, at each session of the General Assembly, communicate to that body each case of suspension of sentence, stating the name of the convict, the offense for which he was convicted, the sentence and its date, the date of the reprieve or suspension, and the reason for granting the same. He shall take care that the laws are faithfully executed, and shall be a conservator of the peace throughout the State. There shall be a State Board of Pardons and Paroles composed of three members, who shall be appointed by the Governor and confirmed by the Senate. Appointments made at times when the Senate is not in session shall be effective ad interim. The first members shall be appointed for terms of three, five, and seven years, respectively to be designated by the Governor, and all subsequent appointments shall be for a period of seven years, except in case of an unexpired term. The Governor shall not be a member of the State Board of Pardons and Paroles. The members of the State Board of Pardons and Paroles shall each receive an annual salary of \$5,000.00, payable monthly. The State Board of Pardons and Paroles shall have power to grant reprieves, pardons and paroles, to commute penalties, remove disabilities imposed by law, and may remit any part of a sentence for any offense against the State, after conviction except in cases of treason or impeachment, and except in cases in which the Governor refuses to suspend a sentence of death. Provided that such board shall act on all applications within 90 days from the filing of same, and in all cases a majority shall decide the action of the Board. Except if any member for any cause is unable to serve in any case involving capital punishment, the Governor shall act as the third member of said Board and the action so taken in such instance shall be by unanimous vote. The State Board of Pardons and Paroles shall at each session of the General Assembly communicate to that body in full detail each case of pardon, parole, commutation, removal of disabilities or remis-

sion of sentences granted, stating the name of the convict, the offense for which he was convicted, the sentence and its date, the date of the pardon, parole, commutation, removal of disabilities or remission of sentence and the reasons for granting the same, and the State Board of Pardons and Paroles may make rules and regulations as may be authorized by law. The first Board of Pardons and Paroles under this provision may be those in office under an act of the General Assembly creating such a Board existing at the time of the adoption of this amendment, which, if so existing shall be in lieu of such Board to be created by the General Assembly subsequent to the adoption of this amendment, and which Board shall have all the rights, privileges, powers, and duties the same as if it was so subsequently created, and the terms of members of such Board shall date from the time specified in the existing Act of the General Assembly. The General Assembly may enact laws in aid of, but not inconsistent with, this amendment.

Paragraph XII. *Writs of Election; Called Sessions of the General Assembly.* The Governor shall issue writs of election to fill all vacancies that may happen in the Senate and the House of Representatives, and shall give the General Assembly, from time to time, information of the State of the Commonwealth, and recommend to their consideration such measures as he may deem necessary or expedient. The Governor shall have power to convoke the General Assembly on extraordinary occasions, but no law shall be enacted at called sessions of the General Assembly, except such as shall relate to the object stated in his proclamation convening them: Providing that such called sessions of the General Assembly shall not exceed 70 days in length, unless at the expiration of said period there shall be pending an impeachment trial of some officer of the State Government in which the General Assembly will be authorized to remain in session until such trial shall have been completed.

Provided, however, that when three-fifths of the members elected to the House of Representatives and three-fifths of the members elected to the Senate shall have certified to the Governor of the State of Georgia that in their opinion an emergency exists in the affairs of the State of Georgia, it shall thereupon be the duty of said Governor and mandatory upon him, within five days from the receipt of such certificate or certificates, to convene said General Assembly in extraordinary session for all purposes; and in the event said Governor shall, within said time, Sundays excluded, fail or refuse to convene said General Assembly as aforesaid, then and in that event said General Assembly may convene itself in extraordinary session, as if convened in regular session, for all purposes, provided that such extraordinary, self convened session shall be limited to a period of 30 days, unless at the expiration of said period, there shall be pending an impeachment trial of some officer of the State Government, in which event the General Assembly shall be authorized to remain in session until such trial shall have been completed.

The members of the General Assembly shall receive the same per diem and mileage during such extraordinary session as is now or may be hereafter provided.

Paragraph XIII. *Filling Vacancies.* When any office shall become va-

cant, by death, resignation, or otherwise, the Governor shall have power to fill such vacancy, unless otherwise provided by law; and persons so appointed shall continue in office until a successor is commissioned, agreeably to the mode pointed out by this Constitution, or by law in pursuance thereof.

Paragraph XIV. *Appointments Rejected.* A person once rejected by the Senate, shall not be reappointed by the Governor to the same office during the same session, or the recess thereafter.

Paragraph XV. *Governor's Veto.* The Governor shall have the revision of all bills passed by the General Assembly before the same shall become laws, but two-thirds of each house may pass a law notwithstanding his dissent; and if any bills should not be returned by the Governor within five days (Sunday excepted) after it has been presented to him, the same shall be a law; unless the General Assembly, by their adjournment, shall prevent its return, in which event the Governor shall have thirty days (Sundays excepted) from the date of adjournment in which to approve the same, and if not approved within that time, the same shall not become a law. He may approve any appropriation, and disapprove any other appropriation, in the same bill, and the latter shall not be effectual, unless passed by two-thirds of each House.

Paragraph XVI. *Governor to Approve Resolution, Etc.* Every vote, resolution, or order, to which the concurrence of both houses may be necessary, except on a question of election or adjournment, shall be presented to the Governor, and before it shall take effect be approved by him, or, being disapproved, shall be repassed by two-thirds of each house, provided, however, that nothing contained in this Article shall be construed to confer on the Governor the right to veto or enter his disapproval of any proposal made by the General Assembly to amend this Constitution.

Paragraph XVII. *Information from Officers and Employees; Suspension of Officers.* The Governor may require information in writing from Constitutional officers, department heads, and all State employees, on any subject relating to the duties of their respective offices or employment. The General Assembly shall have authority to provide by law for the suspension of any Constitutional officer or department head from the discharge of the duties of his office, and also for the appointment of a suitable person to discharge the duties of the same.

SECTION II.

OTHER EXECUTIVE OFFICERS

Paragraph I. *Executive Officers, How Elected.* The Secretary of State, Attorney General, State School Superintendent, Comptroller General, Treasurer, Commissioner of Agriculture, and Commissioner of Labor shall be elected by the persons qualified to vote for members of the General Assembly at the same time, and in the same manner as the Governor. The provisions of the Constitution as to the transmission of the returns of the election, counting the votes, declaring the results, deciding when there is no election, and when there is a contested election, applicable to the election of Governor, shall apply to the election of the above named executive officers; they shall be commissioned by the Governor and hold their offices for the same time as the Governor.

Paragraph II. *Duties, Authority, and Salaries of Other Executive Officers.* The General Assembly shall have power to prescribe the duties, authority, and salaries of the executive officers, and to provide help and expenses necessary for the operation of the department of each.

Paragraph III. *Profit from Use of Public Money.* No State official shall be allowed, directly or indirectly, to receive any fee, interest or reward from any person, bank, or corporation, for the deposit, or use, in any manner, of the public funds, and the General Assembly shall enforce this provision by suitable penalties.

Paragraph IV. *Qualifications.* No person shall be eligible to the office of the Secretary of State, Attorney General, State School Superintendent, Comptroller General, Treasurer, Commissioner of Agriculture, and Commissioner of Labor, unless he shall have been a citizen of the United States for ten years, and shall have resided in this State for six years next preceding his election, and shall be twenty-five years of age when elected. All of said officers shall give bond and security, under regulation to be prescribed by law, for the faithful discharge of their duties.

Paragraph V. *Fees and Perquisites Denied.* No State official named in Paragraph I of this Section shall be allowed any fee, perquisite or compensation other than their salaries as prescribed by law, except their necessary expenses when absent from the seat of government on business for the State.

SECTION III.

Paragraph I. *Great Seal; What Constitutes; Custody; When Affixed to Instruments.* The great seal of the State shall be deposited in the office of the Secretary of State and shall not be affixed to any instrument of writing except by order of the Governor or General Assembly, and that now in use shall be the great seal of the State until otherwise provided by law.

SECTION IV.

Paragraph I. *Game and Fish Commission.* There is hereby created a State Game and Fish Commission. Said Commission shall consist of one member from each Congressional District in this State, and one additional member from one of the following named counties, to-wit: Chatham, Bryan, Liberty, McIntosh, Glynn, or Camden. The first members of the Commission shall consist of those in office at the time this Constitution is adopted, with terms provided by law. Thereafter, all succeeding appointments shall be made by the Governor and confirmed by the Senate for a term of seven years from the expiration of the previous term. All members of the Commission shall hold office until their successors are appointed and qualified. Vacancies in office shall be filled by appointment of the Governor and submitted to the Senate for confirmation at the next session of the General Assembly after the making of the appointment.

The Commission shall have such powers, authority, duties, and shall receive such compensation and expenses as may be delegated or provided for by the General Assembly.

SECTION V.

STATE BOARD OF CORRECTIONS

Paragraph I. *State Board of Corrections; How Composed, Director.* There shall be a State Board of Corrections composed of five members in charge of the State Penal System. The Board shall have such jurisdiction, powers, duties and control of the State Penal System and the inmates thereof as shall be provided by law. The Board shall elect a Director of Corrections who shall be the executive officer of the Board. The Board of Corrections shall be appointed by the Governor with the consent of the Senate. The first appointment shall be for terms of one, two, three, four and five years and their successors shall be appointed for terms of five years each. The compensation of the Director and members of the Board shall be fixed by law.

SECTION VI.

STATE DEPARTMENT OF VETERANS SERVICE

Paragraph I. *Veterans Service Board; How Composed; Director.* There shall be a State Department of Veterans Service and Veterans Service Board composed of seven members, who shall have such control, duties, powers and jurisdiction of the State Department of Veterans Service as shall be provided by law. Said Board shall appoint a director who shall be the executive officer of the Department. Members of the Board shall be appointed by the Governor with the advice and consent of the Senate and all members of the Board and the Director shall be veterans of some war in which the United States has engaged.

The first appointments shall be for terms of one, two, three, four, five, six and seven years. Thereafter all terms and appointments, except in case of vacancy, shall be for seven years. Vacancies shall be filled by appointment of the Governor.

ARTICLE VI.

JUDICIARY

SECTION I.

Paragraph I. *Courts Enumerated.* The judicial powers of this State shall be vested in a Supreme Court, a Court of Appeals, Superior Courts, Courts of Ordinary, Justices of the Peace, Notaries Public who are ex-officio Justices of the Peace, and such other Courts as have been or may be established by law.

Paragraph II. *Power to Establish Traffic Courts.* The General Assembly may, in its discretion, create a new court or system of courts in and for each city having a population of more than 300,000 according to the last or any future federal decennial census, conferring upon such new court or system of courts jurisdiction to issue warrants, try cases and impose sentences thereon in all misdemeanor cases arising under any law of the State regulating the ownership or operation of motor vehicles within its territorial jurisdiction, together with provisions as to rules, organization and procedure in such courts as to new trials and the correction of

errors in and by such courts, and with such further provision for the correction of errors by the Superior Court or the Court of Appeals or the Supreme Court, as the General Assembly may, from time to time, in its discretion, provide or authorize. Any Court so established shall not be subject to the rules of uniformity in Paragraph I, Section IX of Article VI of the Constitution of 1945. The General Assembly is authorized to delegate to the governing authorities of any such municipality any and all powers necessary and appropriate for the establishment, operation and maintenance of such court.

SECTION II.

Paragraph I. *Supreme Court Justices; Quorum.* The Supreme Court shall consist of seven associate justices, who shall from time to time as they may deem proper, elect one of their members as Chief Justice, and one as Presiding Justice; the office of Chief Justice as it has heretofore existed under this Constitution being hereby converted into the office of an associate justice, with the same right of incumbency and the same succession as to terms, as applied to the former office. The Chief Justice so elected by the other Justices shall be the chief presiding and administrative officer of the court, and the Presiding Justice, elected in like manner, shall perform all the duties devolving upon the Chief Justice, when he is absent or disqualified. A majority of the court shall constitute a quorum.

Paragraph II. *Court to Designate Judges to Preside, When; Means for Supreme Court to Prevent Delay in Congested Dockets.* When one or more of the Justices of the Supreme Court are disqualified from deciding any case by interest or otherwise, the qualified Justices shall designate a judge or judges of the Superior Court to preside in said case, provided, that if all the justices are disqualified, they or a majority of them shall, despite their disqualification, select seven judges of the Superior Court to preside in the case, but they shall make such selections by lot and in open court from not less than twelve names of such Superior Court judges.

Paragraph III. *Terms of Office.* The Justices aforesaid shall hold their offices for six years, and until their successors are qualified. They shall be elected by the people at the same time and in the same manner as members of the General Assembly; provided, that the successors to the two incumbents whose terms will expire on December 31, 1946, shall be elected for the succeeding terms at the time of electing members of the General Assembly during that year; successors to the two incumbents whose terms will expire on December 31, 1948, shall be elected in like manner during that year; successors to the two incumbents whose terms will expire on December 31, 1950, shall be elected in like manner during that year and provided further that an additional or seventh Justice shall be immediately appointed by the Governor, his tenure under such appointment to expire on December 31, 1946, and his successor for the ensuing regular term of six years to be elected at the time and in the manner aforesaid at such general election to be held during that year; and all terms (except unexpired terms) shall be for six years. In case of any vacancy which causes an unexpired term, the same shall be filled by executive appointment, and the person appointed by the Governor shall hold his office until the next regular election,

and until his successor for the balance of the unexpired term shall have been elected and qualified. The returns of such elections shall be made to the Secretary of State, who shall certify the results to the Governor, and commission shall issue accordingly.

Paragraph IV. *Jurisdiction of Supreme Court.* The Supreme Court shall have no original jurisdiction but shall be a court alone for the trial and correction of errors of law from the Superior Courts and the City Courts of Atlanta and Savannah, as existed on August 16, 1916, and such other like courts as have been or may hereafter be established in other cities, in all cases that involve the construction of the Constitution of the State of Georgia or of the United States, or of treaties between the United States and foreign governments; in all cases in which the constitutionality of any law of the State of Georgia or of the United States is drawn in question; and, until otherwise provided by law, in all cases respecting title to land; in all equity cases; in all cases which involve the validity of, or the construction of wills; in all cases of conviction of a capital felony; in all habeas corpus cases; in all cases involving extraordinary remedies; in all divorce and alimony cases, and in all cases certified to it by the Court of Appeals for its determination. It shall also be competent for the Supreme Court to require by certiorari or otherwise any case to be certified to the Supreme Court from the Court of Appeals for review and determination with the same power and authority as if the case had been carried by writ of error to the Supreme Court. Any case carried to the Supreme Court or to the Court of Appeals, which belongs to the class of which the other court has jurisdiction, shall, until otherwise provided by law, be transferred to the other court under such rules as the Supreme Court may describe, and the cases so transferred shall be heard and determined by the court which has jurisdiction thereof. The General Assembly may provide for carrying cases or certain classes of cases to the Supreme Court and the Court of Appeals from the trial courts otherwise than by writs of error, and may prescribe conditions as to the right of a party litigant to have his case reviewed by the Supreme Court or Court of Appeals. The Supreme Court shall also have jurisdiction of and shall decide cases transferred to it by the Court of Appeals because of an equal division between the judges of that Court when sitting as a body for the determination of cases.

Paragraph V. *Cases, How Disposed of.* The Supreme Court and the Court of Appeals shall dispose of every case at the term for which it is entered on the court's docket for hearing, as provided by Paragraph VIII of this Article and Section, or at the next term. If the plaintiff in error shall not be prepared to prosecute the case at the term for which it is so entered for hearing, unless prevented by providential cause, it shall be stricken from the docket and the judgment below shall stand affirmed. No writ of error shall be dismissed because of delay in transmission of the bill of exceptions and the copy of the record, or either of them, resulting from the default of the clerk or other cause, unless it shall appear that the plaintiff in error or his counsel caused such delay. Nothing herein shall be construed to excuse the clerk for any omission of duty or to relieve him of any liability resulting therefrom.

Paragraph VI. *Judgment May Be Withheld.* In any case the Court may in its discretion withhold its judgment until the next term after the same is argued.

Paragraph VII. *The Supreme Court; How Cases to Be Heard and Determined.* The Supreme Court shall have power to hear and determine cases when sitting in a body, under such regulations as may be prescribed by it.

Paragraph VIII. *Court of Appeals.* The Court of Appeals shall consist of the Judges provided therefor by law at the time of the ratification of this amendment, and of such additional Judges as the General Assembly shall from time to time prescribe. All terms of the Judges of the Court of Appeals after the expiration of the terms of the Judges provided for by law at the time of the ratification of this amendment, except unexpired terms, shall continue six years, and until their successors are qualified. The times and manner of electing Judges, and the mode of filling a vacancy which causes an unexpired term, shall be the same as are or may be provided for by the laws relating to the election and appointment of Justices of the Supreme Court. The Court of Appeals shall have jurisdiction for the trial and correction of errors of law from the Superior Courts and from the City Courts of Atlanta and Savannah, as they existed on August 19, 1916, and such other like courts as have been or may hereafter be established in other cities, in all cases in which such jurisdiction has not been conferred by this Constitution upon the Supreme Court, and in such other cases as may hereafter be prescribed by law; except that where a case is pending in the Court of Appeals and the Court of Appeals desires instruction from the Supreme Court, it may certify the same to the Supreme Court, and thereupon a transcript of the record shall be transmitted to the Supreme Court, which, after having afforded to the parties an opportunity to be heard thereon, shall instruct the Court of Appeals on the question so certified, and the Court of Appeals shall be bound by the instruction so given. But if by reason of equal division of opinion among the Justices of the Supreme Court no such instruction is given, the Court of Appeals may decide the question. The manner of certifying questions to the Supreme Court by the Court of Appeals, and the subsequent proceedings in regard to the same in the Supreme Court, shall be as the Supreme Court shall by its rules prescribe, until otherwise provided by law. No affirmance of the judgment of the court below in cases pending in the Court of Appeals shall result from delay in disposing of questions or cases certified from the Court of Appeals to the Supreme Court, or as to which such certificate has been required by the Supreme Court as hereinbefore provided. All writs of error in the Supreme Court or the Court of Appeals, when received by its clerk during a term of the Court and before the docket of the term is by order of the Court closed, shall be entered thereon, and when received at any other time, shall be entered on the docket of the next term; and they shall stand for hearing at the term for which they are so entered, under such rules as the Court may prescribe, until otherwise provided by law. The Court of Appeals shall appoint a clerk and a sheriff of the court. The reporter of the Supreme Court shall be a reporter of the Court of Appeals until otherwise provided

by law. The laws relating to the Supreme Court as to qualifications and salaries of Judges, the designation of other Judges to preside when members of the Court are disqualified, the powers, duties, salaries, fees and terms of officers, the mode of carrying cases to the Court, the powers, practice, procedure, times of sitting, and costs of the Court, the publication of reports of cases decided therein, and in all other respects, except as otherwise provided in this Constitution or by the laws as to the Court of Appeals at the time of the ratification of this amendment, and until otherwise provided by law, shall apply to the Court of Appeals so far as they can be made to apply. The decisions of the Supreme Court shall bind the Court of Appeals as precedents. The Court of Appeals shall have power to hear and determine cases when sitting as a body, except as may be otherwise provided by the General Assembly.

In the event of an equal division of judges on any case when the Court is sitting as a body, the case shall be immediately transferred to the Supreme Court.

Paragraph IX. *Jurisdiction; Review of Juvenile Court Decisions.* The Supreme Court and Court of Appeals shall have jurisdiction to review by direct writ of error, and without the necessity of a motion for new trial having been made, all final judgments, orders, decrees and adjudications rendered by any juvenile court created or referred to in an Act of the General Assembly approved February 19, 1951 (Ga. Laws 1951, p. 291), as amended, and any other juvenile court that may be hereafter established, and, it shall further be the duty of the Solicitor General of the judicial circuit within which juvenile court or courts are located to represent the juvenile court on such appeals. The time for filing such bill of exceptions, and the procedure governing same, shall be as now provided by law for appeals, or as may hereafter be provided by law, but in any case, the Juvenile Judge may by order grant extensions of time for the filing of such bill of exceptions so as to afford opportunity for preparation of a brief or transcript of evidence, in cases where such is required.

SECTION III.

SUPERIOR COURTS

Paragraph I. *Terms, Etc., of Superior Court Judges.* There shall be a judge of the Superior Courts for each judicial circuit, whose term of office shall be for four years, and until his successor is qualified. He may act in other circuits when authorized by law. The legislature shall have authority to add one or more additional judges of the Superior Court for any judicial circuit in this State, and shall have authority to regulate the manner in which the judges of such circuits shall dispose of the business thereof, and shall fix the time at which the term or terms of office of such additional judge or judges shall begin and the manner of his appointment or election, and shall have authority from time to time to add to the number of such judges in any judicial circuit; or to reduce the number of judges in any judicial circuit; provided that at all times there shall be at least one judge in every judicial circuit of this State. Notwithstanding the provision of this Section providing for a term of four years for Judges of the Superior Courts and notwithstanding any other provision of the Con-

stitution of Georgia, the term of office of each of the Judges of the Superior Court of the Atlanta Judicial Circuit who is elected at the General Election of 1956 shall be for eight years from January 1, 1957 and until his successor is qualified, and the term of each of the Judges of the Superior Court of the Atlanta Judicial Circuit elected in subsequent years shall be eight years and until his successor is qualified.

Paragraph II. *Elections, When to Be Held.* The successors to the present and subsequent incumbents shall be elected by the electors of the whole State entitled to vote for members of the General Assembly, at the general election held for such members, next preceding the expiration of their respective terms.

Paragraph III. *Terms Begin, When.* The terms of the judges to be elected under the Constitution, except to fill vacancies, shall begin on the first day of January after their elections. Every vacancy occasioned by death, resignation, or other causes shall be filled by appointments of the Governor until the first day of January after the general election held next after the expiration of thirty days from the time such vacancy occurs, at which election a successor for the unexpired term shall be elected.

SECTION IV.

Paragraph I. *Exclusive Jurisdiction.* The Superior Courts shall have exclusive jurisdiction in cases of divorce; in criminal cases where the offender is subjected to loss of life, or confinement in the penitentiary, in cases respecting titles to land, and equity cases.

Paragraph II. *Equity May Be Merged in Common Law Courts.* The General Assembly may confer upon the Courts of common law all the powers heretofore exercised by Courts of equity in this State.

Paragraph III. *General Jurisdiction.* Said Courts shall have jurisdiction in all civil cases, except as hereinafter provided.

Paragraph IV. *Appellate Jurisdiction.* They shall have appellate jurisdiction in all such cases as may be provided by law.

Paragraph V. *Certiorari, Mandamus, Etc.* They shall have power to correct errors in inferior judicatories by writ of certiorari, which shall only issue on the sanction of the Judge, and said Courts, and the judges thereof shall have power to issue writs of mandamus, prohibition, scire facias, and all other writs that may be necessary for carrying their powers fully into effect, and shall have such other powers as are, or may be conferred on them by law.

Paragraph VI. *New Trials.* The Superior, and City Courts may grant new trials on legal grounds.

Paragraph VII. *Judgment of the Court.* The Court shall render judgment without the verdict of a jury in all civil cases, except, actions ex delicto, where no issuable defense is filed except as otherwise provided in this Constitution, and subject to the right of trial by a jury on written demand of either party.

Paragraph VIII. *Sessions.* The Superior Courts shall sit in each county not less than twice in each year, at such times as have been, or may be appointed by law. The judges of said Courts may, on reasonable notice to the parties, at any time, in vacation, at chambers, hear and determine,

by interlocutory or final judgment, any matter or issue, where a jury verdict is not required, or may be waived.

Paragraph IX. *Presiding Judge Disqualified.* The General Assembly may provide by law for the appointment of some proper person to preside in cases where the presiding judge is from any cause disqualified.

SECTION V.

Paragraph I. *Judges of Superior and City Courts May Alternate, When.* In any county within which there is, or hereafter may be a city Court the Judge of said Court, and of the Superior Court may preside in the Courts of each other in cases where the judge of either Court is disqualified to preside.

SECTION VI.

Paragraph I. *Appeals from Ordinary.* The powers of a Court of Ordinary and of Probate shall be vested in an Ordinary for each county, from whose decision there may be an appeal, or by consent of parties, without a decision to the Superior Court under regulations prescribed by law.

Paragraph II. *Powers.* The Courts of Ordinary shall have such powers in relation to roads, bridges, ferries, public buildings, paupers, county officers, county funds, county taxes and other county matters as may be conferred on them by law.

The Court of Ordinary shall have jurisdiction to issue warrants, try cases, and impose sentences thereon in all misdemeanor cases arising under the Act known as the Georgia State Highway Patrol Act of 1937, and other traffic laws, and in all cases arising under the Compulsory School Attendance law in all counties of this State in which there is no city or county court, provided the defendant waives a jury trial. Like jurisdiction is also conferred upon the judges of the police courts of incorporated cities and municipal court judges for offense arising under the Act known as the Georgia State Highway Patrol Act of 1937, and other traffic laws of the State within their respective jurisdiction.

Paragraph III. *Term of Office.* The Ordinary shall hold his office for the term of four years and until his successor is elected and qualified.

SECTION VII.

JUSTICES OF THE PEACE

Paragraph I. *Number and Term of Office.* There shall be in each militia district one justice of the peace, whose official term, except when elected to fill an unexpired term, shall be for four years: Provided, however, that the General Assembly may, in its discretion, abolish justice courts and the office of justice of the peace and of notary public ex-officio justice of the peace in any city of this State having a population of over twenty thousand, and establish in lieu thereof such court or courts or system of courts as the General Assembly may, in its discretion, deem necessary, conferring upon such new court or courts or system of courts, when so established, the jurisdiction as to subject matter now exercised by justice courts and by justices of the peace and notaries public ex-officio

justices of the peace, together with such additional jurisdiction, either as to amount or subject-matter, as may be provided by law, whereof some other court has not exclusive jurisdiction under this Constitution; together with such provision as to rules and procedure in such courts, and as to new trials and the correction of errors in and by said courts, and with such further provision for the correction of errors by the Superior Court, or Court of Appeals, or the Supreme Court, as the General Assembly, may, from time to time, in its discretion, provide or authorize. Any court so established shall not be subject to the rules of uniformity laid down in Paragraph I of Section IX of Article VI of the Constitution of Georgia: Provided, however, that the General Assembly may, in its discretion, abolish justice courts and the office of justice of the peace and notary public ex-officio justice of the peace in any county in this State having within its borders a city having a population of over twenty thousand, and as well in the County of Glynn, and establish in lieu thereof such court or courts or system of courts as the General Assembly may, in its discretion, deem necessary; or conferring upon existing courts, by extension of their jurisdiction as to subject matter now exercised by justice courts and by justices of the peace and notaries public ex-officio justices of the peace; together with such additional jurisdiction, either as to amount or to subject-matter, as may be provided by law, whereof some other court has not exclusive jurisdiction under this Constitution; together also with such provisions as to rules and procedure in such courts and as to new trials and the correction of errors in and by said courts, and with such further provision for the correction of errors by the Superior Court or the Court of Appeals or the Supreme Court as the General Assembly may, from time to time, in its discretion, provide or authorize. The civil court of Fulton County shall have jurisdiction in Fulton County and outside the city limits of Atlanta either concurrently with, or supplemental to, or in lieu of justice courts, as may be now or hereafter provided by law. Any court so established shall not be subject to the rules of uniformity laid down in Paragraph I of Section IX or Article VI of the Constitution of Georgia.

Paragraph II. *Jurisdiction.* Justices of the peace shall have jurisdiction in all civil cases arising ex contractu and in cases of injury or damage to and conversion of personal property, when the principal sum does not exceed two hundred dollars, and shall sit monthly at fixed times and places but in all cases there may be an appeal to a jury in said court, or an appeal to the Superior Court under such regulations as may be prescribed by law.

Paragraph III. *Elections and Commissions.* Justices of the peace shall be elected by the legal voters in their respective districts, and shall be commissioned by the Governor. They shall be removable on conviction for malpractice in office.

SECTION VIII.

NOTARIES PUBLIC

Paragraph I. *Appointment; Number; Term; Removal.* Commissioned notaries public, not to exceed one for each militia district, may be appointed by the judges of the Superior Courts in their respective circuits, upon

recommendation of the grand juries of the several counties. They shall be commissioned by the Governor for the term of four years and shall be ex-officio justices of the peace, and shall be removable on conviction for malpractice in office.

SECTION IX.

UNIFORMITY OF COURTS

Paragraph I. *Uniformity Provided for.* Except as otherwise provided in this Constitution, the jurisdiction, powers, proceedings and practice of all courts or officers invested with judicial powers (except City Courts) of the same grade or class, so far as regulated by law, and the force and effect of the process, judgment and decree, by such courts, severally, shall be uniform. This uniformity must be established by the General Assembly, and in the case of City Courts, may be established by the General Assembly.

SECTION X.

ATTORNEY GENERAL

Paragraph I. *Election; Term of Office.* There shall be an Attorney General of this State, who shall be elected by the people at the same time, for the same term and in the same manner as the Governor.

Paragraph II. *Duties.* It shall be the duty of the Attorney General to act as the legal adviser of the Executive Department, to represent the State in the Supreme Court in all capital felonies; and in all Civil and Criminal Cases in any Court when required by the Governor and to perform such other services as shall be required of him by law.

SECTION XI.

SOLICITOR GENERAL

Paragraph I. *Number; Term of Office; Vacancies.* There shall be a solicitor general for each judicial circuit, whose official term (except to fill a vacancy) shall be four years. The successors of present and subsequent incumbents shall be elected by the electors of the whole State, qualified to vote for members of the General Assembly, at the general election held next preceding the expiration of their respective terms. Every vacancy occasioned by death, resignation, or other cause shall be filled by appointment of the Governor, until the first day of January after the general election held next after the expiration of 30 days from the time such vacancy occurs, at which election a successor for the unexpired term shall be elected.

Paragraph II. *Duties.* It shall be the duty of the Solicitor General to represent the State in all cases in the Superior Courts of his Circuit and in all cases taken up from the Superior Courts of his Circuit to the Supreme Court, and Court of Appeals and to perform such other services as shall be required of him by law.

SECTION XII.

SALARIES OF JUSTICES, JUDGES AND SOLICITORS GENERAL

Paragraph I. *Salaries of Justices, Judges and Solicitors General.* The

Justices of the Supreme Court each shall have out of the treasury of the State salaries of \$8,000 per annum; the Judges of the Court of Appeals each shall have out of the treasury of the State salaries of \$8,000 per annum, the Judges of the Superior Courts each shall have out of the treasury of the State salaries of \$6,000 per annum and the Solicitor General shall each have out of the treasury of the State a salary of \$250.00 per annum with the right of the General Assembly to authorize any county to supplement the salary of a judge of the Superior Court and Solicitor General of the Judicial Circuit in which such county lies, out of county funds, provided, however, where such salary is, at the time of the adoption of this Constitution, being supplemented out of county funds under existing laws, such laws shall remain in force until altered by the General Assembly. Provided further, that the Board of County Commissioners of Richmond County, or the Ordinary, or such other board or person as may from time to time have charge of the fiscal affairs of said county, shall without further legislative action continue to supplement from said County's Treasury, the salary of the Judge of Superior Court of the circuit of which the said County of Richmond is a part, by the sum of Two Thousand (\$2,000) Dollars per annum, which shall be in addition to the amount received by said judge out of the State treasury; and such payments are declared to be a part of the court expenses of said County, and such payments shall be made to the judge now in office during his present or subsequent terms, as well as to his successors, with the authority in the General Assembly to increase such salary from the County treasury as above provided.

Paragraph II. *Powers to Abolish or Reinstate Fees of Solicitor General.* The General Assembly shall have power, at any time, by a majority vote of each branch, to abolish the fees at present accruing to the office of Solicitor General in any particular judicial circuit, and in lieu thereof to prescribe a salary for such office, without regard to the uniformity of such salaries in the various circuits; and shall have the further power to determine what disposition shall be made of the fines, forfeitures and fees accruing to the office of Solicitor General in any such judicial circuit where the fees are abolished; and likewise shall have the further power, if it so desires, to abolish such salary and reestablish such fees; but in either event, when so changed, the change shall not become effective until the end of the term to which the Solicitor General was elected.

SECTION XIII.

QUALIFICATIONS OF JUSTICES, JUDGES, ETC.

Paragraph I. *Age; Citizenship; Practice of Law.* No person shall be Justice of the Supreme Court, Court of Appeals, Judge of Superior Courts, or Attorney General, unless, at the time of his election, he shall have attained the age of thirty years, and shall have been a citizen of the State three years, and have practiced law for seven years; and no person shall be hereafter elected Solicitor General, unless at the time of his election he shall have attained twenty-five years of age, shall have been a citizen of the State for three years, and shall have practiced law for three years next preceding his election.

Paragraph II. *Judges and Justices Emeritus.* Chief Justices Emeritus

and Justices Emeritus of the Supreme Court; Judges Emeritus of the Court of Appeals; and Judges Emeritus of the Superior Courts shall be eligible to preside in or over the courts in which they are Chief Justices, Justices, or Judges, Emeritus. The General Assembly shall prescribe the method or manner in which they may be called upon for temporary service.

SECTION XIV.

VENUE

Paragraph I. *Divorce Cases.* Divorce cases shall be brought in the county where the defendant resides, if a resident of this State; if the defendant be not a resident of this State, then in the county in which the plaintiff resides, provided, that any person who has been a resident of any United States Army Post or military reservation within the State of Georgia for one year next preceding the filing of the petition may bring an action for divorce in any county adjacent to said United States Army Post or military reservation.

Paragraph II. *Land Titles.* Cases respecting titles to land shall be tried in the county where the land lies, except where a single tract is divided by a county line, in which case the Superior Court of either county shall have jurisdiction.

Paragraph III. *Equity Cases.* Equity cases shall be tried in the county where a defendant resides against whom substantial relief is prayed.

Paragraph IV. *Suits against Joint Obligors, Co-partners, Etc.* Suits against joint obligors, joint promissors, co-partners, or joint trespassers, residing in different counties, may be tried in either county.

Paragraph V. *Suits Against Maker, Endorser, Etc.* Suits against the maker and endorser of promissory notes, or drawer, acceptor and endorser of foreign or inland bills of exchange, or like instruments, residing in different counties, shall be brought in the county where the maker or acceptor resides.

Paragraph VI. *All Other Cases.* All other civil cases shall be tried in the county where the defendant resides, and all criminal cases shall be tried in the county where the crime was committed, except cases in the Superior Courts where the Judge is satisfied that an impartial jury cannot be obtained in such county.

SECTION XV.

CHANGE OF VENUE

Paragraph I. *Power to Change Venue.* The power to change the venue in civil and criminal cases shall be vested in the Superior Courts to be exercised in such manner as has been, or shall be, provided by law.

SECTION XVI.

JURY TRIAL

Paragraph I. *Right of Trial by Jury.* The right of trial by jury, except where it is otherwise provided in this Constitution, shall remain inviolate, but the General Assembly may prescribe any number, not less

than five, to constitute a trial, or traverse jury, except in the Superior Court.

Paragraph II. *Selection of Jurors.* The General Assembly shall provide by law for the selection of the most experienced, intelligent and upright men to serve as grand jurors, and intelligent and upright men to serve as traverse jurors. Nevertheless, the grand jurors shall be competent to serve as traverse jurors. The General Assembly shall have the power to require jury service of women also, under such regulations as the General Assembly may prescribe.

Paragraph III. *Compensation of Jurors.* It shall be the duty of the General Assembly by general laws to prescribe the manner of fixing compensation of jurors in all counties in this State.

SECTION XVII.

COUNTY COMMISSIONERS

Paragraph I. *Power to Create County Commissioners.* The General Assembly shall have power to provide for the creation of county commissioners in such counties as may require them, and to define their duties.

SECTION XVIII.

WHAT COURTS MAY BE ABOLISHED

Paragraph I. *Power to Abolish Courts.* All courts not specially mentioned by name in the first section of this Article may be abolished in any county at the discretion of the General Assembly.

Paragraph II. *Supreme Court Cost. Pauper Oath.* The cost in the Supreme Court and Court of Appeals shall not exceed \$15.00 until otherwise provided by law. Plaintiffs in error shall not be required to pay costs in said courts when the usual pauper oath is filed in the court below.

ARTICLE VII.

FINANCE, TAXATION AND PUBLIC DEBT

SECTION I.

POWER OF TAXATION

Paragraph I. *Taxation, a Sovereign Right.* The right of taxation is a sovereign right—inalienable, indestructible—is the life of the State, and rightfully belongs to the people in all republican governments, and neither the General Assembly, nor any, nor all other departments of the Government established by this Constitution, shall ever have the authority to irrevocably give, grant, limit, or restrain this right; and all laws, grants, contracts, and all other acts, whatsoever, by said government, or any department thereof, to affect any of these purposes shall be, and are hereby, declared to be null and void, for every purpose whatsoever; and said right of taxation shall always be under the complete control of, and revocable by, the State, notwithstanding any gift, grant or contract, whatsoever, by the General Assembly.

The power to tax corporations and corporate property, shall not be

surrendered or suspended by any contract, or grant to which the State shall be a party.

Paragraph II. Taxing Power Limited.

1. The General Assembly shall not by vote, resolution, or order grant any donation or gratuity in favor of any person, corporation or association. The General Assembly is authorized to provide by law for the payment of two hundred and fifty thousand dollars (\$250,000.00) to the first person, firm or corporation, or combination thereof, which puts down and brings in the first commercial oil well in this State. Such well must produce at least 100 barrels of oil per day, and the determination as to whether such well is producing this amount is hereby vested in the Director of the State Department of Mines, Mining and Geology. Said law shall provide for the distribution of said amount as the General Assembly may by statute provide between the company or individual who drills or causes to be drilled said well, the contractor who furnishes the equipment, among such workmen and employees actually engaged in the job, and to the mineral and/or property owner where the well is drilled. The General Assembly shall provide for the method of payment by the Governor.

2. The General Assembly shall not grant or authorize, extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

3. The levy of taxes on property for any one year by the General Assembly for all purposes, except to provide for repelling invasions, suppressing insurrections, or defending the State in time of war, shall not exceed one-fourth ($\frac{1}{4}$) mill on each dollar of the value of the property taxable in the State; provided, however, that until some other method permitted by the laws of the United States for the taxation of national banking associations or corporations is enacted by the General Assembly for the taxation of the shares of stock of banking corporations and other monied capital coming into competition with such banking corporations, such property may be taxed at a rate not exceeding five (5) mills on each dollar of the value thereof.

4. No poll tax shall be levied to exceed one dollar annually upon each poll.

5. That there is hereby created a board to be known as the State Medical Education Board to consist of five members, one of whom shall be the President of Georgia Medical Association, one of whom shall be the immediate Past President of the Georgia Memorial Association, and three members to be appointed by the Governor, who shall be qualified electors of the State of Georgia. The members of the board shall hold office for a term of four years beginning on the first day of April, 1953, and every four years thereafter the Governor shall appoint three members for a term of four years, and shall appoint the President and the immediate Past President of the Georgia Medical Association pursuant to their position and office in those respective capacities. Vacancies shall be filled by appointment of the Governor for the unexpired term.

The members of the Board shall serve without pay but shall be allowed \$7.50 per day expenses and traveling expenses of five cents (5c) per mile for attending meetings of the board or in traveling elsewhere in the

discharge of their duties requiring their absence from their respective places of abode, same to be paid upon the approval of the Chairman or Vice-Chairman of the board, out of any funds made available to said board.

The secretary of the board shall be whomsoever is serving as the secretary of the Board of Regents, who shall keep the records and minutes of the proceedings of the board and who shall also keep the books, records, and accounts of the board, and whose compensation as secretary of this board shall not exceed the sum of \$2,400.00 per annum payable monthly. The secretary shall prepare and countersign all checks, vouchers and warrants drawn upon the funds of the board, and the same shall be signed by the chairman of the board. The secretary shall also be the treasurer of the board and shall keep and account for all the funds of the board, and shall execute and file with the board a surety bond in the sum of \$10,000.00, payable to the State of Georgia, and conditioned upon the faithful performance of his duties and that he shall properly account for all funds coming into his hands as such secretary, the premium on such bond to be paid out of the funds of the board. He shall devote his full time to the duties of his office.

The board may employ clerical assistance as is required and needed.

The board shall elect a chairman and also a vice-chairman to serve in the absence or inability of the chairman. The board shall maintain an office at the Medical College of Georgia, and shall meet at the said office or elsewhere at least once each quarter at such time as may be fixed by the board. Special meetings shall be held upon call of the chairman. Three members of the board shall constitute a quorum for the transaction of business, and the board shall keep full, complete and permanent minutes and records of all its proceedings and actions.

It shall be the duty of the board to receive and pass upon, allow or disallow all applications for loans or scholarships made by students who are bona fide citizens and residents of the State of Georgia and who desire to become doctors of medicine and who are acceptable for enrollment in a qualified four-year medical school. The purpose of such loans shall be to enable such applicants to obtain a standard four-year medical education which will qualify them to become licensed, practicing physicians within the State of Georgia. It shall be the duty of the board to make a careful and full investigation of the ability, character and qualifications of each applicant and determine his fitness to become the recipient of such loan or scholarship, and for that purpose the board may propound such examination to each applicant which it deems proper, and the said board may prescribe such rules and regulations as it deems necessary and proper to carry out the purpose and intention of this bill. The investigation of the applicant shall include an investigation of the ability of the applicant, or of the parents of such applicant, to pay his own tuition at such a medical school and the board in granting such loans and scholarships shall give preference to qualified applicants who, or whose parents, are unable to pay the applicant's tuition at such a medical school.

The said board shall have authority to grant to each applicant deemed by the board to be qualified to receive the same, a loan or scholarship for the purpose of acquiring a medical education as herein provided for, upon

such terms and conditions to be imposed by the board as provided for in this bill.

Applicants who are granted loans or scholarships by the board shall receive a loan not to exceed \$5,000.00 to any one applicant to be paid in annual installments not exceeding \$1,500.00 per annum, with which to defray his or her tuition and other expenses in any reputable, accepted and accredited four-year medical college or school in the United States, or a scholarship in such medical college or school for a term not exceeding four years, the cost of such scholarship not to exceed \$5,000.00, same to be paid at such time and in such manner as may be determined by the board. The loans and scholarships herein provided shall not exceed the sums herein stated, but this may be prorated in such manner as to pay to the medical school to which any applicant is admitted such funds as are required by that school, and the balance to be paid direct to the applicant; all of which shall be under such terms and conditions as may be provided under rules and regulations of the board. The said loans or scholarships to be granted to each applicant shall be based upon the condition that the full amount thereof shall be repaid to the State of Georgia in cash in full with 4% interest from the date of each payment by the state on such loan or scholarship, same to be payable annually, the first annual payment to be due on or before one year from the date the applicant completes his internship, or same may be repaid to the State of Georgia in services to be rendered by the applicant by practicing his profession at some place within the State of Georgia to be approved by the board. One-fifth of the loan or scholarship, together with interest thereon, to be credited to the applicant for each year of practicing his profession, in a community of 5000 population or less, according to 1950 census, and no annual interest on the scholarship loan shall be paid during such practice or service. After the third full year of practice or services within this State as herein provided, but not before, the said applicant shall be privileged, entirely at the discretion of the board heretofore created, to pay off the balance of the scholarship loan, together with accrued interest thereon, and upon such payment shall be relieved from further obligations under his contract for loan or scholarship.

Each applicant before being granted a loan or scholarship shall enter into a contract with the State of Georgia, agreeing to the terms and conditions upon which the loan or scholarship shall be granted to him, which said contract shall include such terms and provisions as will carry out the full purpose and intent of this act, and the form thereof shall be prepared and approved by the Attorney General of this State, and shall be signed by the Chairman of the Board, countersigned by the Secretary, and shall be signed by the applicant. For the purposes of this act the disabilities of minority of all applicants granted loans or scholarships hereunder shall be and the same are hereby removed and the said applicants are declared to be of full lawful age for the purpose of entering into the contract hereinabove provided for, and such contract so executed by any applicant is hereby declared to be a valid and binding contract the same as though the said applicant were of the full age of 21 years and upward. The board is hereby vested with full and complete authority and

power to sue in its own name any applicant for any balance due the board on any such contract.

It shall be the duty of the board to contact and make inquiry of such of the four-year medical colleges and schools as herein provided as it deems proper, and make such arrangements and enter into such contracts, within the limitations as to cost as herein provided, for the admission of students granted loans or scholarships by the board, such contracts to be approved by the Attorney General of this state, and the money obligations of such contract as made by the board with any such colleges shall be paid for out of funds to be provided by law for such purposes, and all students granted loans or scholarships shall attend a medical school with which the board has entered into a contract, or any accredited four-year medical school or college in which said applicant may obtain admission, and which is approved by the board.

The board shall have authority to cancel any contract made between it and any applicant for loans or scholarships upon cause deemed sufficient by the board. And the board shall have authority to cancel such contracts which it may lawfully cancel made with any of the colleges or schools as herein provided.

All payments of funds for loans or scholarships hereunder shall be made by requisition of the board signed by the chairman and the secretary directed to the auditor of public accounts, who shall thereupon issue a warrant on the treasury of the State of Georgia for the amount fixed in the requisition and payable to the person designated thereon, which said warrant upon presentation shall be paid by the treasurer out of any funds appropriated by the Legislature for the purposes provided for under this Act.

All funds made available to the board by the act of the Legislature for the purpose of defraying expenses of the board and the salaries of its secretary and employees shall be paid over and received by the treasurer of this board and by him deposited in some solvent bank within the State of Georgia, selected by the board, and such funds may be drawn and expended by check or warrant signed by the chairman and attested by the secretary.

The board shall make a biennial report to the Legislature at each session thereof of its activities, loans or scholarships granted, names of persons to whom granted and the institution attended by those receiving the same, the location of the applicants who have received their education and become licensed physicians and surgeons within this State as a result of the said loans and/or scholarships, and where they are practicing, and shall make a full report of all of its expenditures for salaries and expenses incurred hereunder.

It is the purpose and intent of this bill to bring about an adequate supply of doctors of medicine in the more sparsely populated areas of the State of Georgia by increasing the number of medical students from Georgia in the various medical schools, and inducing a sufficient number of the graduates from medical schools to return to Georgia and practice their profession, thus affording adequate medical care to the people of Georgia.

Paragraph III. *Uniformity; Classification of Property.* All taxes shall be levied and collected under general laws and for public purposes only. All taxation shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax. Classes of subjects for taxation of property shall consist of tangible property and one or more classes of intangible personal property including money. The General Assembly shall have the power to classify property including money for taxation, and to adopt different rates and different methods for different classes of such property.

Paragraph IV. *Exemptions from Taxation.* The General Assembly may, by law, exempt from taxation all public property; places of religious worship or burial and all property owned by religious groups used only for residential purposes and from which no income is derived; all institutions of purely public charity; all intangible personal property owned by or irrevocably held in trust for the exclusive benefit of, religious, educational and charitable institutions, no part of the net profit from the operation of which can inure to the benefit of any private person; all buildings erected for and used as a college, incorporated academy or other seminary of learning, and also all funds or property held or used as endowment by such colleges, incorporated academies or seminaries of learning, provided the same is not invested in real estate; and provided, further, that said exemptions shall only apply to such colleges, incorporated academies or other seminaries of learning as are open to the general public; provided further, that all endowments to institutions established for white people, shall be limited to white people, and all endowments to institutions established for colored people, shall be limited to colored people; the real and personal estate of any public library, and that of any other literary association, used by or connected with such library; all books and philosophical apparatus and all paintings and statuary of any company or association, kept in a public hall and not held as merchandise or for purposes of sale or gain; provided the property so exempted be not used for the purpose of private or corporate profit and income, distributable to shareholders in corporations owning such property or to other owners of such property, and any income from such property is used exclusively for religious, educational and charitable purposes, or for either one or more of such purposes and for the purpose of maintaining and operating such institution; this exemption shall not apply to real estate or buildings other than those used for the operation of such institution and which is rented, leased or otherwise used for the primary purpose of securing an income thereon; and also provided that such donations of property shall not be predicated upon an agreement, contract or otherwise that the donor or donors shall receive or retain any part of the net or gross income of the property. The General Assembly shall further have power to exempt from taxation, farm products, including baled cotton grown in this State and remaining in the hands of the producer, but not longer than for the year next after their production.

All personal clothing, household and kitchen furniture, personal property used and included within the home, domestic animals and tools, and implements of trade of manual laborers, but not including motor vehicles,

are exempted from all State, County, Municipal and School District ad valorem taxes, in an amount not to exceed \$300.00 in actual value.

The homestead of each resident of Georgia actually occupied by the owner, as a residence and homestead, and only so long as actually occupied by the owner primarily as such, but not to exceed \$2,000.00 of its value, is hereby exempted from all ad valorem taxation for State, county and school purposes, except taxes levied by municipalities for school purposes and except to pay interest on and retire bonded indebtedness, provided, however, should the owner of a dwelling house on a farm, who is already entitled to homestead exemption, participate in the program of rural housing and obtain a new house under contract with the local housing authority, he shall be entitled to receive the same homestead exemption as allowed before making such contract. The General Assembly may from time to time lower said exemption to not less than \$1,250.00. The value of all property in excess of the foregoing exemptions shall remain subject to taxation. Said exemptions shall be returned and claimed in such manner as prescribed by the General Assembly. The exemption herein provided for shall not apply to taxes levied by municipalities.

All cooperative, non-profit, membership corporations organized under the laws of this State for the purpose of engaging in rural electrification, as defined in sub-section 1 of Section 3 of the Act approved March 30, 1937, providing for their incorporation, and all of the real and personal property owned or held by such corporations for such purpose, are hereby exempted from all taxation, state, county, municipal, school district and political or territorial subdivisions of the State having the authority to levy taxes. The exemption herein provided for shall expire December 31, 1961.

There shall be exempt from all ad valorem intangible taxes in this State, the common voting stock of a subsidiary corporation not doing business in this State, if at least ninety per cent of such common voting stock is owned by a Georgia corporation with its principal place of business located in this State and was acquired or is held for the purpose of enabling the parent company to carry on some part of its established line of business through such subsidiary.

All laws exempting property from taxation, other than the property herein enumerated, shall be void.

The Legislature may exempt from taxation intangible personal property owned by a trust forming a part of a pension, profit sharing or stock bonus plan if such trust is exempt from federal income tax under Section 165 (a) of the Federal Internal Revenue Code. Existing laws exempting such property from taxation are hereby ratified.

Paragraph V. *Exemptions of Certain Industries Continued.* Existing exemptions under the amendment to the Constitution providing for the exemption of certain industries from taxation appearing in acts of the General Assembly of 1923, extra session, page 67, ratified November 4, 1924, shall continue of force until the expiration of the term for which granted.

SECTION II.

PURPOSES AND METHOD OF TAXATION

Paragraph I. *Taxation, How and for What Purpose Exercised.* The powers of taxation over the whole State shall be exercised by the General Assembly for the following purposes only:

1. For the support of the State Government and the public institutions.
2. For educational purposes.
3. To pay the principal and the interest on the public debt, and to provide a sinking fund therefor.
4. To suppress insurrection, to repel invasion, and defend the State in time of war.
5. To make provision for the payment of pensions to ex-Confederate soldiers and to the widows of Confederate soldiers who are unmarried.
6. To construct and maintain State buildings and a system of State highways, airports, and docks.
7. To make provisions for the payment of old-age assistance to aged persons in need, and for the payment of assistance to the needy blind, and to dependent children and other welfare benefits; provided that no person shall be entitled to the assistance herein authorized, who does not qualify for such provisions in every respect, in accordance with enactments of the General Assembly, which may be in force and effect, prescribing the qualifications for beneficiaries hereunder: Provided no indebtedness against the State shall ever be created for the purpose herein stated, in excess of the taxes lawfully levied each fiscal year under Acts of the General Assembly authorized hereunder for such purposes.

(a) In order to extend to the employees of the State, any department of the State, any State institution or political subdivisions of the State, and to the dependents and survivors of such employees, the basic protection accorded others by the Old Age Survivors Insurance Program embodied under the Social Security Act (Act of Congress approved August 14, 1935, 49 Stat. 620, officially cited as the "Social Security Act," as such Act has been and may from time to time be amended), and the Federal Insurance Contributions Act (as set forth in Sub-Chapter A of Chapter 9 of the Federal Internal Revenue Code, as such Code has been and may from time to time be amended), the General Assembly is authorized to enact such legislation as may be necessary to insure the coverage to employees of the State, any department of the State, any State institution or political subdivisions of the State, and the dependents and survivors of such employees under said Social Security Act as the same has been or may be amended and the Federal Insurance Contributions Act as the same has been or may be amended; and any provisions of this Constitution notwithstanding the State for and on behalf of itself, its departments, institutions or political subdivisions is hereby authorized to enter into agreements with the Federal Security Administration or other appropriate official of the United States Government under the provisions of said Social Security Act as the same has been or may hereafter be amended in the manner as provided therein and as provided by the General Assembly. The Teacher Retirement System of Georgia and the

Employees Retirement System of Georgia shall have the powers and duties as provided by law existing at the time of the adoption of this provision of the State Constitution together with such further powers and duties as may be hereafter provided by law.

8. To advertise and promote the agricultural, industrial, historic, recreational and natural resources of the State of Georgia.

9. For public health purposes.

Paragraph II. *Teacher Retirement System; Taxation for.* The powers of taxation may be exercised by the State through the General Assembly and by counties and municipalities, for the purpose of paying pensions and other benefits and costs under a teacher retirement system or systems; provided no indebtedness against the State shall ever be created for the purpose herein stated in excess of the taxes lawfully levied each fiscal year under the Acts of the General Assembly authorized hereunder.

Paragraph III. *Revenue to Be Paid into General Fund.* All money collected from taxes, fees and assessments for State purposes, as authorized by revenue measures enacted by the General Assembly, shall be paid into the General Revenue Fund of the State Treasury and shall be appropriated therefrom, as required by this Constitution, for the purposes set out in this Section and for these purposes only.

Paragraph IV. *Tax Returns of Public Utilities.* The General Assembly may provide for a different method and time of returns, assessments, payment and collection of ad valorem taxes, of public utilities, but not at a greater basis of value or at a higher rate of taxation than other properties.

Paragraph V. *Firemen's Pension System.* The powers of taxation may be exercised by the State through the General Assembly, and the counties and municipalities, for the purpose of paying pensions and other benefits and costs under a firemen's pension system or systems. The taxes so levied may be collected by such firemen's pension system or systems and disbursed therefrom by authority of the General Assembly for the purposes herein authorized.

SECTION III.

STATE DEBT

Paragraph I. *Purposes for Which Contracted.* No debt shall be contracted by, or on behalf of, the State, except to supply such temporary deficit as may exist in the treasury in any year for necessary delay in collecting the taxes of that year, to repel invasion, suppress insurrection and defend the State in time of war, or to pay the existing public debt; but the debt created to supply deficiencies in revenue shall not exceed, in the aggregate, five hundred thousand dollars, and any loan made for this purpose shall be repaid out of the taxes levied for the year in which the loan is made. However, said debt may be increased in the sum of three million, five hundred thousand dollars for the payment of the public school teachers of the State only. The principal amount borrowed for payment of teachers shall be repaid each year out of the common school appropriation, and the interest paid thereon shall be paid each year out of the general funds of the State.

Paragraph II. *Bonded Debt Increased, When.* The bonded debt of the State shall never be increased, except to repel invasion, suppress insurrection or defend the State in time of war.

Paragraph III. *Form of Laws to Borrow Money.* All laws authorizing the borrowing of money by or on behalf of the State shall specify the purpose for which the money is to be used and the money so obtained shall be used for the purpose specified and for no other.

Paragraph IV. *State Aid Forbidden.* The credit of the State shall not be pledged or loaned to any individual, company, corporation or association and the State shall not become a joint owner or stockholder in or with, any individual, company, association or corporation.

Paragraph V. *Assumption of Debts Forbidden.* The State shall not assume any debt, nor any part thereof, of any county, municipal corporation or political subdivision of the State, unless such debt be contracted to enable the State to repel invasion, suppress insurrection or defend itself in time of war: Provided, however, that the amendment to the Constitution proposed by the General Assembly and set forth in the Published Acts of the General Assembly of the year 1931 at page 97, which amendment was ratified on November 8, 1932, and which amendment provided for the assumption by the State, of indebtedness of the several counties of the State, as well as that of the Coastal Highway District, and the assessments made against the counties of said district for the construction and paving of the public roads or highways, including bridges, of the State, under certain conditions and for the issuance of certificates of indebtedness for such indebtedness so assumed, is continued of full force and effect until such indebtedness assumed by the State is paid and such certificates of indebtedness retired.

Paragraph VI. *Profit on Public Money.* The receiving, directly or indirectly, by any officer of State or county, or member or officer of the General Assembly of any interest, profits, or perquisites, arising from the use or loan of public funds in his hands or moneys to be raised through his agency for State or county purposes, shall be deemed a felony, and punishable as may be prescribed by law, a part of which punishment shall be a disqualification from holding office.

Paragraph VII. *Certain Bonds Not to Be Paid.* The General Assembly shall have no authority to appropriate money either directly or indirectly, to pay the whole, or any part, of the principal or interest of the bonds, or other obligations which have been pronounced illegal, null and void by the General Assembly and the Constitutional amendments ratified by a vote of the people on the first day of May, 1877; nor shall the General Assembly have authority to pay any of the obligations created by the State under laws passed during the late War between the States, nor any of the bonds, notes or obligations made and entered into during the existence of said war, the time for the payment of which was fixed after the ratification of a treaty of peace between the United States and the Confederate States; nor shall the General Assembly pass any law, or the Governor or any other State official enter into any contract or agreement whereby the State shall be made a party to any suit in any court of this State, or of

the United States instituted to test the validity of any such bonds, or obligations.

Paragraph VIII. *Sale of State's Property to Pay Bonded Debt.* The proceeds of the sale of the Western and Atlantic railroad, and any other property owned by the State, whenever the General Assembly may authorize the sale of the whole or any part thereof, shall be applied to the payment of the bonded debt of the State, and shall not be used for any other purpose whatsoever, so long as the State has any existing bonded debt; provided that the proceeds of the sale of the Western and Atlantic Railroad shall be applied to the payment of the bonds for which said railroad has been mortgaged, in preference to all other bonds.

Paragraph IX. *State Sinking Fund.* The General Assembly shall raise by taxation each year, in addition to the sum required to pay the public expenses, such amounts as are necessary to pay the interest on the public debt and the principal of the public debt maturing in such year and to provide a sinking fund to pay off and retire the bonds of the State which have not then matured. The amount of such annual levy shall be determined after consideration of the amount then held in the sinking fund. The taxes levied for such purposes and the said sinking fund, shall be applied to no other purpose whatever. The funds in the said sinking fund may be invested in the bonds of the State, and also in bonds and securities issued by the Federal Government and subsidiaries of the Federal Government, fully guaranteed by that government. If the said bonds are not available for purchase, the funds in the sinking fund may be loaned by the Treasurer of the State, with the approval of the governor, upon terms to be fixed by such officials and when amply secured by bonds of the State or Federal Government.

SECTION IV.

TAXATION BY COUNTIES

Paragraph I. *Taxing Power of Counties.* The General Assembly shall not have power to delegate to any county the right to levy a tax for any purpose, except:

1. To pay the expenses of administration of the county government.
2. To pay the principal and interest of any debt of the county and to provide a sinking fund therefor.
3. For educational purposes upon property located outside of independent school systems, as provided in Article 8 of this Constitution.
4. To build and repair the public buildings and bridges.
5. To pay the expenses of courts, the maintenance and support of prisoners and to pay sheriffs and coroners and for litigation.
6. To build and maintain a system of county roads.
7. For public health purposes in said county, and for the collection and preservation of records of vital statistics.
8. To pay county police.
9. To support paupers.
10. To pay county agricultural and home demonstration agents.
11. To provide for payment of old age assistance to aged persons in need, and for the payment of assistance to needy blind, and to dependent

children and other welfare benefits, provided that no person shall be entitled to the assistance herein authorized who does not qualify for such assistance in every respect, in accordance with enactments of the General Assembly which may be in force and effect prescribing the qualifications for beneficiaries hereunder; provided no indebtedness or liability against the county shall ever be created for the purpose herein stated, in excess of the taxes lawfully levied each fiscal year under the acts of the General Assembly authorized hereunder for such purposes.

12. To provide for fire protection of forest lands and for the further conservation of natural resources.

13. To provide medical or other care, and hospitalization, for the indigent sick people of the county.

14. To acquire, improve and maintain airports, public parks, and public libraries.

15. To provide for workmen's compensation and retirement or pension funds for officers and employees.

16. To provide reasonable reserves for public improvements as may be fixed by law.

Paragraph II. *Districting of Counties.* The General Assembly may district the territory of any county, outside the limits of incorporated municipalities, for the purpose of providing systems of waterworks, sewerage, sanitation, and fire protection; and authorize such counties to levy a tax only upon the taxable property in such district for the purpose of constructing and maintaining such improvement.

SECTION V.

Paragraph I. *Taxing Power and Contributions of Counties, Cities and Political Division Restricted.* The General Assembly shall not authorize any county, municipal corporation or political division of this State, through taxation, contribution or otherwise, to become a stockholder in any company, corporation or association, or to appropriate money for, or to loan its credit to any corporation, company, association, institution or individual except for purely charitable purposes. This restriction shall not operate to prevent the support of schools by municipal corporations within their respective limits.

SECTION VI.

Paragraph I. *Contracts for Use of Public Facilities.* (a) The State, state institutions, any city, town, municipality or county of this State may contract for any period not exceeding fifty years, with each other or with any public agency, public corporation or authority now or hereafter created for the use by such subdivisions or the residents thereof of any facilities or services of the State, state institutions, any city, town, municipality, county, public agency, public corporation or authority, provided such contracts shall deal with such activities and transactions as such subdivisions are by law authorized to undertake.

(b) Any city, town, municipality or county of this State is empowered, in connection with any contracts authorized, by the preceding paragraph, to convey to any public agency, public corporation or authority now or

hereafter created, existing facilities operated by such city, town, municipality or county for the benefit of residents of such subdivision, provided the land, buildings and equipment so conveyed shall not be mortgaged or pledged to secure obligations of any such public agency, public corporation or authority and provided such facilities are to be maintained and operated by such public agency, public corporation or authority for the same purposes for which such facilities were operated by such city, town, municipality or county. Nothing in this section shall restrict the pledging of revenues of such facilities by any public agency, public corporation or authority.

(c) Any city, town, municipality or county of this State, or any combination of the same, may contract with any public agency, public corporation or authority for the care, maintenance and hospitalization of its indigent sick, and may as a part of such contract obligate itself to pay for the cost of acquisition, construction, modernization or repairs of necessary buildings and facilities by such public agency, public corporation or authority, and provide for the payment of such services and the cost to such public agency, public corporations or authority of acquisition, construction, modernization or repair of buildings and facilities from revenues realized by such city, town, municipality or county from any taxes authorized by the Constitution of this State or revenues derived from any other sources.

SECTION VII.

LIMITATION ON COUNTY AND MUNICIPAL DEBTS

Paragraph I. *Debts of Counties and Cities.* The debt hereafter incurred by any county, municipal corporation or political subdivision of this State except as in this Constitution provided for, shall never exceed seven per centum of the assessed value of all the taxable property therein, and no such county, municipality or division shall incur any new debt except for a temporary loan or loans, to supply casual deficiencies of revenue, not to exceed one-fifth of one per centum of the assessed value of the taxable property therein, without the assent of a majority of the qualified voters of the county, municipality or other political subdivision voting in an election for that purpose to be held as prescribed by law; and provided further that all laws, charter provisions and ordinances heretofore passed or enacted providing special registration of the voters of counties, municipal corporations and other political divisions of the State to pass upon the issuance of bonds by such counties, municipal corporations and other political divisions are hereby declared to be null and void; and the General Assembly shall hereafter have no power to pass or enact any law providing for such special registration, but the validity of any and all bond issues by such counties, municipal corporations or other political divisions made prior to January 1, 1945, shall not be affected hereby; provided, that any county or municipality of this State may accept and use funds granted by the Federal Government, or any agency thereof, to aid in financing the cost of architectural, engineering, economic investigations, studies, surveys, designs, plans, working drawings, specifications, procedures and other action preliminary to the construction of public works and

where the funds so used for the purposes specified are to be paid within a period of ten years.

Paragraph II. *Levy of Taxes to Pay Bonds.* Any county, municipal corporation or political division of this State which shall incur any bonded indebtedness under the provisions of this Constitution, shall at or before the time of so doing, provide for the assessment and collection of an annual tax sufficient in amount to pay the principal and interest of said debt, within thirty years from the date of the incurring of said indebtedness.

Paragraph III. *Additional Debt Authorized, When.* In addition to the debt authorized in Paragraph I of this section, to be created by any county, municipal corporation or political subdivision of this State, a debt may be incurred by any county, municipal corporation or political subdivision of this State, in excess of seven per centum of the assessed value of all the taxable property therein, upon the following conditions: Such additional debt, whether incurred at one or more times, shall not exceed in the aggregate, three per centum of the assessed value of all the taxable property in such county, municipality or political subdivision; such additional debt shall be payable in equal installments within the five years next succeeding the issuance of the evidences of such debt; there shall be levied by the governing authorities of such county, municipality or political subdivision prior to the issuance of such additional debt, tax upon all of the taxable property within such county, municipality or political subdivision collectable annually, sufficient to pay in full the principal and interest of such additional debt when as due; such tax shall be in addition to and separate from all other taxes levied by such taxing authorities, and the collections from such tax shall be kept separate and shall be held, used and applied solely for the payment of the principal and interest of such additional indebtedness; authority to create such additional indebtedness shall first have been authorized by the General Assembly; the creation of such additional indebtedness shall have been first authorized by a vote of the registered voters of such county, municipality or political subdivision at an election held for such purpose, pursuant to and in accordance with the provisions of this Constitution and of the then existing laws for the creation of a debt by counties, municipal corporations, and political subdivisions of this State, all of which provisions, including those for calling, advertising, holding and determining the result of, such election and the votes necessary to authorize the creation of an indebtedness, are hereby made applicable to an election held for the purpose of authorizing such additional indebtedness.

Paragraph IV. *Temporary Loans.* In addition to the obligations heretofore allowed, each county, municipality, political subdivision of the State authorized to levy taxes, and county board of education, is given the authority to make temporary loans between January 1st and December 31st in each year to pay expenses for such year, upon the following conditions: The aggregate amount of all such loans of such County, municipality, political subdivision or county board of education outstanding at any one time, shall not exceed 75% of the total gross income of such county, municipality, political subdivision or county board of education,

from taxes collected by such county, municipality, political subdivision or county board of education in the last preceding year. Such loans shall be payable on or before December 31st of the calendar year in which such loan is made. No loan may be made in any year under the provisions of this paragraph when there is a loan then unpaid which was made in a prior year under the provisions of this paragraph. Each such loan shall be first authorized by resolution fixing the terms of such loan adopted by a majority vote of the governing body of such county, city political subdivision or county board of education, at a meeting legally held, and such resolution shall appear upon the minutes of such meeting. No such county, municipality, subdivision or county board of education shall incur in any one calendar year, an aggregate of such temporary loans and other contracts or obligations for current expenses, in excess of the total anticipated revenue of such county, municipality, subdivision, or county board of education for such calendar year, or issue in one calendar year notes, warrants or other evidences of such indebtedness in a total amount in excess of such anticipated revenue for such year.

Paragraph V. *Revenue Anticipation Obligations.* Revenue anticipation obligations may be issued by any county, municipal corporation or political subdivision of this State, to provide funds for the purchase or construction, in whole or in part, of any revenue-producing facility which such county, municipal corporation or political subdivision is authorized by the Act of the General Assembly approved March 31, 1937, known as the "The Revenue Certificate Laws of 1937," as amended by the Act approved March 14, 1939, to construct and operate, or to provide funds to extend, repair or improve any such existing facility, and to buy, construct, extend, operate and maintain gas or electric generating and distribution systems, together with all necessary appurtenances thereof. Such revenue anticipation obligations shall be payable, as to principal and interest, only from revenue produced by revenue-producing facilities of the issuing political subdivision, and shall not be deemed debts of, or to create debts against, the issuing political subdivisions within the meaning of this paragraph, or any other of this Constitution. This authority shall apply only to revenue anticipation obligations issued to provide funds for the purchase, construction, extension, repair or improvement of such facilities and undertakings as are specifically authorized and enumerated by said Act of 1937, as amended by said Act of 1939; and to buy, construct, extend, operate and maintain gas or electric generating and distribution systems, together with all necessary appurtenances thereof; provided further any revenue certificates issued to buy, construct, extend, operate and maintain gas or electric generating and distribution systems shall, before being undertaken, be authorized by a majority of those voting at an election held for the purpose in the county, municipal corporation or political subdivision affected, and provided further that a majority of the registered voters of such county, municipal corporation or political subdivision affected shall vote in said election, the election for such to be held in the same manner as is used in issuing bonds of such county, municipal corporation or political subdivision and the said elections shall be called and provided for by officers in charge of the fiscal affairs of said county, municipal corporation or political subdivision affected; and no such issuing political

subdivision of the State shall exercise the power of taxation for the purpose of paying the principal or interest of any such revenue anticipation obligations or any part thereof.

Provided that after a favorable election has been held as set forth above, if municipalities, counties or other political subdivisions, shall purchase, construct, or operate such electric or gas utility plants from the proceeds of said revenue certificates, and extend their services beyond the limits of the county in which the municipality or political subdivision is located, then its services rendered and property located outside said county shall be subject to taxation and regulation as are privately owned and operated utilities.

Paragraph VI. *Refunding Bonds.* The General Assembly is hereby authorized to create a commission and to vest such commission with the power to secure all necessary information and to approve or disapprove the issuance of bonds for the purpose of refunding any bonded indebtedness of any county, municipality or political subdivision of this State issued prior to the adoption of this Constitution, including the authority to approve or disapprove the amount and terms of such refunding bonds, together with such other powers as to the General Assembly may seem proper, but not in conflict with the provisions of the Constitution. Such refunding bonds shall be authorized only where such county, municipality or political subdivision has not the funds available to meet the payment of outstanding bonded indebtedness through failure to levy and collect the required taxes, or through failure to maintain the required sinking fund for such bonds. The General Assembly may approve the issuance of the said refunding bonds under the conditions stated. Such refunding bonds shall not, together with all other outstanding bonded indebtedness, exceed the limits fixed by this Constitution for the maximum amount of bonded indebtedness which may be issued by such county, municipality or political subdivision and shall be otherwise governed by all of the terms and provisions of this Constitution. No bonds shall be issued under this paragraph to refund any bonds issued after the adoption of this Constitution.

Paragraph VII. *Refunding Bonds to Reduce Bonded Indebtedness.* The General Assembly is further authorized to give to said Commission the power and authority to approve or disapprove the issuance of bonds to refund any outstanding bonded indebtedness of any county, municipality or political subdivision now or hereafter issued, for the purpose of reducing the amount payable, principal or interest, on such bonded indebtedness, and upon the condition that, the issuance of such refunding bonds will reduce the amounts payable upon such outstanding bonds, principal or interest. Such refunding bonds shall replace such outstanding bonded indebtedness. The said Commission shall have the authority to approve or disapprove the terms of any such proposed refunding bonds. The General Assembly may authorize the issuance of such refunding bonds issued for the said purpose, when approved by the said Commission and authorized by the governing authority of such county, municipality or subdivision, without an election by the qualified voters as otherwise required, but in all other respects such refunding bonds shall comply with the provisions of this Constitution.

SECTION VIII.

Paragraph I. *Sinking Funds for Bonds.* All amounts collected from any source for the purpose of paying the principal and interest of any bonded indebtedness of any county, municipality or subdivision and to provide for the retirement of such bonded indebtedness, above the amount needed to pay the principal and interest on such bonded indebtedness due in the year of such collection, shall be placed in a sinking fund to be held and used to pay off the principal and interest of such bonded indebtedness thereafter maturing.

The funds in such sinking fund shall be kept separate and apart from all other moneys of such county, municipality or subdivision, and shall be used for no purpose other than that above stated. The moneys in such sinking fund may be invested and reinvested by the governing authorities of such county, municipality or subdivision or by such other authority as has been created to hold and manage such sinking fund, in the bonds of such county, municipality or subdivision, and in bonds or obligations of the State of Georgia, of the counties and cities thereof and of the government of the United States, of subsidiary corporations of the Federal Government fully guaranteed by such government, and no other. Any person or persons violating the above provisions, shall be guilty of malpractice in office and shall also be guilty of misdemeanor, and shall be punished, when convicted, as prescribed by law for the punishment of misdemeanors, until the General Assembly shall make other provisions for the violation of the terms of this paragraph.

SECTION IX.

APPROPRIATION CONTROL

Paragraph I. *Preparation and Submission of General Appropriation Bill.* The Governor shall submit to the General Assembly within fifteen days after its organization, a budget message accompanied by a draft of a General Appropriation Bill, which shall provide for the appropriation of the funds necessary to operate all the various departments and agencies, and to meet the current expenses of the State for the ensuing fiscal year.

Paragraph II. *Continuation of General Appropriation Act.* Each General Appropriation Act, with such amendments as are adopted from time to time, shall continue in force and effect for each fiscal year thereafter until repealed or another General Appropriation Act is adopted; provided, however, that each section of the General Appropriation Act in force and effect on the date of the adoption of this Constitution, of general application and pertaining to the administration, limitation and restriction on the payment of appropriations and each section providing for appropriation of Federal Grants and other continuing appropriations and adjustments on appropriations shall remain in force and effect until specifically and separately repealed by the General Assembly.

Paragraph III. *Other or Supplementary Appropriations.* In addition to the appropriations made by the General Appropriation Act and amendments thereto, the General Assembly may make additional appropriations by Acts, which shall be known as supplementary appropriations Acts, provided no such supplementary appropriation shall be available unless

there is an unappropriated surplus in the State Treasury or the revenue necessary to pay such appropriations shall have been provided by a tax laid for the purpose and collected into the General Fund of the State Treasury. Neither House shall pass a Supplementary Appropriation Bill until the General Appropriation Act shall have been finally adopted by both Houses and approved by the Governor.

Paragraph IV. *Appropriations to Be for Specific Sums.* (a) The appropriation for each department, officer, bureau, board, commission, agency, or institution for which appropriation is made shall be for a specific sum of money, and no appropriation shall allocate to any object, the proceeds of any particular tax or fund or a part of percentage thereof.

(b) To defray the cost of all activities incident to providing and maintaining an adequate system of public roads and bridges in this State as authorized by laws enacted by the General Assembly of Georgia, and for grants to counties for aid in county road construction and maintenance as provided by law authorizing the State Treasury to make such grants, the General Assembly of Georgia shall in each General Appropriation Act make the aggregate of the fixed appropriations for highway purposes an amount not less than the total Motor Fuel and Motor Vehicle License taxes received by the State Treasury for the immediately preceding fiscal year, less the amount of refunds, rebates, and collection costs authorized by law. The expenditure of the appropriations made in conformity with this provision shall be subject to all the rules, regulations and restrictions imposed on the expenditure of appropriations by provisions of this State Constitution and other laws enacted by the General Assembly. Said funds are hereby allocated to the Highway Department and shall be utilized for highway improvement including construction and maintenance. In the event of a general war in which the United States of America is involved said funds shall be held to the credit of the State Highway Department until such time as the road building program can be continued and materials obtained for said purpose. During any such period of time all the funds, which cannot be used for highway purposes, shall be invested in bonds of the United States of America or securities, the payment of the principal and interest of said securities being guaranteed by the United States of America. In the event of invasion of this State by land, sea, or air, said funds may be utilized on the executive order of the Governor for defense purposes.

Paragraph V. *Appropriations Void, When.* Any appropriation made in conflict with either of the foregoing provisions shall be void.

SECTION X.

Paragraph I. *Existing Amendments Continued of Force.* Amendments to the Constitution of the State of Georgia of 1877 in effect at the date of the ratification by the voters of the State, of this Constitution, shall continue in full force and effect after the ratification of this Constitution, where such amendments are of merely local, and not, general application, including the amendments pertaining to the Coastal Highway District of this State. There is also continued under this provision in force and effect, amendments to the Constitution of 1877 applicable to counties and

cities having a population in excess of a number stated in such amendments, and amendments applicable to counties having a city wholly or partly therein with a population in excess of, or not less than a number stated in such amendment, and amendments applicable to cities lying in two counties, where such amendments are in force and effect at the time of the ratification of this Constitution. Provided the amendment of Paragraph I of Section II of Article XI of the Constitution of 1877 proposed by Georgia Laws 1943 page 53 and ratified August 3, 1943, authorizing election by the people of the County Board of Education of Spalding County; prescribing rules of eligibility of members of the Board; providing for election by the Board of County Superintendent of Schools shall not be continued of force.

ARTICLE VIII.

EDUCATION

SECTION I.

Paragraph I. *System of Common Schools; Free Tuition, Separation of Races.* The provision of an adequate education for the citizens shall be a primary obligation of the State of Georgia, the expense of which shall be provided for by taxation. Separate schools shall be provided for the white and colored races.

SECTION II.

Paragraph I. *State Board of Education; Method of Appointment.* There shall be a State Board of Education, composed of one member from each Congressional District in the State, who shall be appointed by the Governor, by and with the advice and consent of the Senate. The Governor shall not be a member of the State Board of Education. The first State Board of Education under this Constitution shall consist of those in office at the time this Constitution is adopted, with the terms provided by law. Thereafter, all succeeding appointments shall be for seven year terms from the expiration of the previous term. Vacancies upon said Board caused by expiration of term of office shall be similarly filled by appointment and confirmation. In case of a vacancy on said Board by death, resignation, or from any other cause other than the expiration of such member's term of office, the Board shall by secret ballot elect his successor, who shall hold office until the end of the next session of the General Assembly, or if the General Assembly be then in session to the end of that session. During such session of the General Assembly the Governor shall appoint the successor member of the Board for the unexpired term and shall submit his name to the Senate for confirmation. All members of the Board shall hold office until their successors are appointed and qualified. The members of the State Board of Education shall be citizens of this State who shall have resided in Georgia continuously for at least five years preceding their appointment. No person employed in a professional capacity by a private or public education institution, or by the State Department of Education, shall be eligible for appointment or to serve on said Board. No person who is or has been connected with or employed by a school book

publishing concern shall be eligible to membership on the Board, and if any person be so connected or employed after becoming a member of the Board, his place shall immediately become vacant. The said State Board of Education shall have such powers and duties as provided by law and existing at the time of the adoption of this Constitution, together with such further powers and duties as may be hereafter provided by law.

SECTION III.

Paragraph I. *State School Superintendent; Election, Term, Etc.* There shall be a State School Superintendent, who shall be the executive officer of the State Board of Education, elected at the same time and in the same manner and for the same term as that of the Governor. The State School Superintendent shall have such qualifications and shall be paid such compensation as may be fixed by law. No member of said Board shall be eligible for election as State School Superintendent during the time for which he shall have been appointed.

SECTION IV.

Paragraph I. *University System of Georgia; Board of Regents.* There shall be a Board of Regents of the University System of Georgia, and the government, control, and management of the University System of Georgia and all of its institutions in said system shall be vested in said Board of Regents of the University System of Georgia. Said Board of Regents of the University System of Georgia shall consist of one member from each Congressional District in the State, and five additional members from the State-at-large, appointed by the Governor and confirmed by the Senate. The Governor shall not be a member of the said Board. The first Board of Regents under this Constitution shall consist of those in office at the time this Constitution is adopted, with the terms provided by law. Thereafter all succeeding appointments shall be for seven year terms from the expiration of the previous term. Vacancies upon said Board caused by expiration of term of office shall be similarly filled by appointment and confirmation. In case of a vacancy on said Board by death, resignation of a member, or from any other cause other than the expiration of such member's term of office, the Board shall by secret ballot elect his successor, who shall hold office until the end of the next session of the General Assembly, or if the General Assembly be then in session to the end of that session. During such session of the General Assembly the Governor shall appoint the successor member of the Board for the unexpired term and shall submit his name to the Senate for confirmation. All members of the Board of Regents shall hold office until their successors are appointed. The said Board of Regents of the University System of Georgia shall have the powers and duties as provided by law existing at the time of the adoption of this Constitution, together with such further powers and duties as may be hereafter provided by law.

SECTION V.

Paragraph I. *County System; Board of Education, Election, Term, Etc.* Authority is granted to counties to establish and maintain public schools

within their limits. Each county, exclusive of any independent school system now in existence in a county, shall compose one school district and shall be confined to the control and management of a County Board of Education. The Grand Jury of each county shall select from the citizens of their respective counties five freeholders, who shall constitute the County Board of Education. Said members shall be elected for the term of five years except that the first election of Board members under this Constitution shall be for such terms that will provide for the expiration of the term of one member of the County Board of Education each year. In case of a vacancy on said Board by death, resignation of a member, or from any other cause other than the expiration of such member's term of office, the Board shall by secret ballot elect his successor, who shall hold office until the next Grand Jury convenes at which time said Grand Jury shall appoint the successor member of the Board for the unexpired term. The members of the County Board of Education of such county shall be selected from that portion of the county not embraced within the territory of an independent school district.

The General Assembly shall have authority to make provision for local trustees of each school in a county system and confer authority upon them to make recommendations as to budgets and employment of teachers and other authorized employees.

SECTION VI.

Paragraph I. *County School Superintendent; Election, Term, Etc.* There shall be a County School Superintendent, who shall be the executive officer of the County Board of Education. He shall be elected by the people and his term of office shall be for four years and run concurrently with other county officers. The qualifications and the salary of the County School Superintendent shall be fixed by law.

SECTION VII.

Paragraph I. *Independent Systems Continued; New Systems Prohibited.* Authority is hereby granted to municipal corporations to maintain existing independent school system, and support the same as authorized by special or general law, and such existing systems may add thereto colleges. No independent school system shall hereafter be established.

SECTION VIII.

Paragraph I. *Meetings of Boards of Education.* All official meetings of County Boards of Education shall be open to the public.

SECTION IX.

Paragraph I. *Contracts for Care of Pupils.* County Boards of Education and independent school systems may contract with each other for the education, transportation, and care of pupils.

SECTION X.

Paragraph I. *Certain Systems Protected.* Public schools systems established prior to the adoption of the Constitution of 1877 shall not be affected by this Constitution.

SECTION XI.

Paragraph I. *Grants, Bequests and Donations Permitted.* The State Board of Education and the Regents of the University System of Georgia may accept bequests, donations and grants of land, or other property, for the use of their respective systems of education.

Paragraph II. *Grants, Bequests and Donations to County Boards of Education and Independent School Systems.* County Boards of Education and independent school systems may accept bequests, donations and grants of land, or other property, for the use of their respective systems of education.

SECTION XII.

Paragraph I. *Taxation by Counties for Education.* The fiscal authority of the several Counties shall levy a tax for the support and maintenance of education not less than five mills nor greater than fifteen mills (as recommended by the County Board of Education) upon the dollar of all taxable property in the county located outside independent school systems. The independent school system of Chatham County and the City of Savannah, being co-extensive with said county, the levy of said tax shall be on all property in said county as recommended by the governing body of said system. The fifteen mill limitation provided in this Paragraph may be removed or increased in a county under the procedure set out hereinafter. The County Board of Education, in order to instigate the procedure, must pass a resolution recommending that the limitation be removed and upon presentation of such resolution to the Ordinary it shall be his duty, within ten days of the receipt of the resolution, to issue the call of an election to determine whether such limitation shall be removed. He shall set the election to be held on a date not less than twenty nor more than thirty days from the date of issuance of the call and shall have the date and purpose of the election published in the official organ of the county once a week for two weeks preceding the date of the election. If a majority of the electors qualified to vote for members of the General Assembly voting in such election vote in favor of such proposal, there shall be no limitation in such county and the County Board of Education may recommend any number of mills not less than five for the purposes set out above. In lieu of recommending that the limitation be removed entirely, the Board may recommend that it be increased and shall specify the amount in the resolution. The election provisions for increase shall be the same as for removal and if the proposal is favorably voted upon the Board may recommend up to the specified amount. It shall be the duty of the Ordinary to hold the election, to canvass the returns and declare the results. It shall also be his duty to certify the results to the Secretary of State. The expense of the election shall be borne by the county.

SECTION XIII.

Paragraph I. *Grants for Education.* Notwithstanding any other provision of this Constitution, the General Assembly may by law provide for grants of State, county or municipal funds to citizens of the State for educational purposes, in discharge of all obligation of the State to provide adequate education for its citizens.

ARTICLE IX.

HOMESTEADS AND EXEMPTIONS

SECTION I.

Paragraph I. *Amount of Homestead and Exemptions.* There is hereby exempt from levy and sale, by virtue of any process whatever under the laws of this State, the property of every head of a family, or guardian, or trustee of a family of minor children, of every aged or infirm person, or person having the care and support of dependent females of any age, who is not the head of a family, realty or personalty, or both, to the value in the aggregate of sixteen hundred dollars; and the General Assembly shall have authority to provide the manner of exempting said property, the sale, alienation and encumbrance thereof, and to provide for the waiver of said exemption by the debtor.

Paragraph II. *Homestead and Exemption Laws Continued.* The laws now of force with respect to homestead and exemptions shall remain in full force until changed by law.

ARTICLE X.

MILITIA

SECTION I.

Paragraph I. *Organization of Militia.* A well regulated militia being essential to the peace and security of the State, the General Assembly shall have authority to provide by law how the militia of this State shall be organized, officered, trained, armed and equipped; and of whom it shall consist.

Paragraph II. *Volunteers.* The General Assembly shall have power to authorize the formation of volunteer companies, and to provide for their organization into battalions, regiments, brigades, divisions, and corps, with such restrictions as may be prescribed by law, and shall have authority to arm and equip the same.

Paragraph III. *Pay of Militia and Volunteers.* The officers and men of the militia and volunteer forces shall not be entitled to receive any pay, rations, or emoluments, when not in active service by authority of the State.

ARTICLE XI.

COUNTIES AND MUNICIPAL CORPORATIONS

SECTION I.

Paragraph I. *Counties a Corporate Body; Boundaries.* Each county shall be a body corporate with such powers and limitations as may be prescribed by law. All suits by or against a county shall be in the name thereof; and the metes and bounds of the several counties shall remain as now prescribed by law, unless changed as hereinafter provided.

Paragraph II. *Number Limited.* There shall not be more than one hundred and fifty-nine counties in this State.

Paragraph III. *New Counties Permitted, When.* No new counties shall be created except by the consolidation or merger of existing counties.

Paragraph IV. *Consolidation of Counties; Method.* The General Assembly shall have the power, with the concurrence of two-thirds of the qualified voters of each of the counties to be affected who participate in elections held for that purpose, to provide for the consolidation of two or more counties into one, or the merger of one or more counties into another, or the division of a county, and the merger of portions thereof into other counties.

Paragraph V. *Dissolution of Counties; Method.* Any county may be dissolved and merged with a contiguous county or counties by two-thirds of the qualified voters of each of the counties affected who participate in elections held for that purpose.

Paragraph VI. *County Governments Uniform; Exceptions.* Whatever tribunal, or officers, may be created by the General Assembly for the transaction of county matters, shall be uniform throughout the State, and of the same name, jurisdiction, and remedies, except that the General Assembly may provide for Commissioners of Roads and Revenues in any county, may abolish the office of County Treasurer, in any county, may fix the compensation of County Treasurers, and may consolidate the offices of Tax Receiver and Tax Collector in the office of Tax Commissioner, and may fix his compensation, without respect to uniformity.

Paragraph VII. *Consolidation of Governments; Submission to Voters.* The General Assembly may provide by general law optional systems of consolidated county and municipal government, providing for the organization and the powers and duties of its officers. Such optional systems shall become effective when submitted to the qualified voters of such county and approved by a majority of those voting.

Paragraph VIII. *County Lines.* County lines shall not be changed, unless under the operation of a general law for that purpose.

Paragraph IX. *County Sites Changed; Method.* No county site shall be changed or removed except by a two-thirds vote of the qualified voters of the county, voting at an election held for that purpose and by a majority vote of the General Assembly.

SECTION II.

Paragraph I. *County Officers; Election; Term; Removal; Eligibility.* The county officers shall be elected by the qualified voters of their respective counties or districts, and shall hold their office for four years. They shall be removed upon conviction for malpractice in office; and no person shall be eligible for any of the offices referred to in this paragraph unless he shall have been a resident of the county for two years and is a qualified voter.

Paragraph II. *Compensation of County Officers.* County officers may be on a fee basis, salary basis, or fee basis supplemented by salary, in such manner as may be directed by law.

ARTICLE XII.

THE LAWS OF GENERAL OPERATION IN FORCE IN THIS STATE

SECTION I.

Paragraph I. *Supreme Law.* The laws of general operation in this State are, first: As the Supreme Law: The Constitution of the United States, the laws of the United States in pursuance thereof and all treaties made under the authority of the United States.

Paragraph II. *Second in Authority.* Second. As next in authority thereto: This Constitution.

Paragraph III. *Third in Authority.* Third. In subordination to the foregoing: All laws now of force in this State, not inconsistent with this Constitution shall remain of force until the same are modified or repealed by the General Assembly.

Paragraph IV. *Local and Private Acts.* Local and private acts passed for the benefit of counties, cities, towns, corporations and private persons, not inconsistent with the Supreme Law, nor with this Constitution and which have not expired nor been repealed, shall have the force of Statute law, subject to judicial decision as to their validity when passed, and to any limitations imposed by their own terms.

Paragraph V. *Proceedings of Courts Confirmed.* All judgments, decrees, orders, and other proceedings, of the several courts of this State, heretofore made within the limits of their several jurisdictions, are hereby ratified and affirmed, subject only to reversal by motion for a new trial, appeal, bill of review or other proceedings, in conformity with the law of force when they were made.

Paragraph VI. *Existing Officers.* The officers of the Government now existing shall continue in the exercise of their several functions until their successors are duly elected or appointed and qualified. But nothing herein is to apply to any officer, whose office may be abolished by this Constitution.

ARTICLE XIII.

AMENDMENTS TO THE CONSTITUTION

SECTION I.

Paragraph I. *How Proposed and Submitted to People.* An amendment to this Constitution may be proposed by a resolution in the Senate or the House of Representatives, and if the same shall be agreed to by two-thirds of the members elected to each branch of the General Assembly, such proposed amendment shall be entered on the journal of each branch with the 'Ayes' and 'Nays' taken thereon. Any proposed amendment may be repealed or amended by the same General Assembly, if done so at least two months prior to the date of the election at which such proposed amendment is to be submitted.

The Governor, the Attorney General, and the Secretary of State shall meet and determine whether a proposed amendment is general, and if not general, shall determine what political subdivision or subdivisions are directly affected by such proposed amendment. If a proposed amendment is

general, the Governor shall cause such proposed amendment to be published in full once each week for three consecutive weeks immediately preceding the date of the election at which such proposed amendment is submitted, in one newspaper of general circulation in each Congressional District of the State. If such proposed amendment is not general, the Governor shall cause such proposed amendment to be published in full in one newspaper of general circulation in each county in which the directly affected political subdivision or subdivisions are located. In the event no such newspaper is located in such county, a newspaper in an adjoining county shall be used.

Any proposed amendment which is general shall be submitted to the people of the entire State at the next general election at which members of the General Assembly are elected, and if ratified by a majority of the electors qualified to vote for members of the General Assembly voting thereon, such amendment shall become a part of this Constitution. A proposed amendment which is not general shall only be submitted to the people of the political subdivision or subdivisions directly affected. The votes of the electors in each political subdivision affected shall be counted separately in determining whether such proposed amendment is ratified, and it must be ratified by a majority of the electors qualified to vote for members of the General Assembly voting thereon in each such political subdivision before it shall become a part of this Constitution. The General Assembly, in the resolution, shall state the language to be used in submitting the proposed amendment.

When more than one amendment is submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately.

Paragraph II. *Convention, How Called.* No convention of the people shall be called by the General Assembly to revise, amend or change this Constitution, unless by the concurrence of two-thirds of all members of each house of the General Assembly. The representation in said convention shall be based on population as near as practicable. This Constitution shall not be revised, amended, or changed by the Convention until the proposed revision, amendment, or change has been submitted and ratified by the people in the manner provided for submission and ratification of amendments proposed by the General Assembly.

Paragraph III. *Veto not Permitted.* The Governor shall not have the right to veto any proposal by the General Assembly to amend the Constitution.

ARTICLE XIV.

MERIT SYSTEM

SECTION I.

Paragraph I. *State Personnel Board.* A non-salaried State Personnel Board comprised of three citizens of this State, of known interest in the improvement of public administration, shall administer a State Merit System under which state personnel shall be selected on a basis of merit, fitness, and efficiency according to law. The members of the State Personnel Board shall be appointed by the Governor with the advice of the Senate.

The first members shall be appointed for terms of three, five and seven years, respectively, the terms to be designated by the Governor. All subsequent appointments shall be for a period of seven years, except unexpired terms. No State official or employee shall be a member of the State Personnel Board.

Paragraph II. *Retirement System. Appropriation.* The General Assembly is authorized to establish an actuarially sound retirement system for employees under a merit system. Adequate appropriations shall be provided for the operation of a merit system and the State Personnel Board.

ARTICLE XV.

HOME RULE

SECTION I.

Paragraph I. *Self-government of Municipalities.* The General Assembly is authorized to provide by law for the self-government of municipalities and to that end is hereby expressly given the authority to delegate its powers so that matters pertaining to municipalities upon which, prior to the ratification of this amendment, it was necessary for the General Assembly to act, may be dealt with without the necessity of action by the General Assembly. Any powers granted as provided herein shall be exercised subject only to statutes of general application pertaining to municipalities.

ARTICLE XVI.

SLUM CLEARANCE AND REDEVELOPMENT

SECTION I.

Paragraph I. *How May Be Undertaken.* The General Assembly may provide by law that any city or town, or any housing authority now or hereafter established, may undertake and carry out slum clearance and redevelopment work, including the acquisition and clearance of areas which are predominantly slum or blighted areas, the preparation of such areas for re-use, and the sale or other disposition of such areas to private enterprise for private uses or to public bodies for public uses. Any such work shall constitute a governmental function undertaken for public purposes, and the powers of taxation and eminent domain may be exercised and public funds expended in furtherance thereof.

SECTION II.

Paragraph I. *Method of Submission.* That when this amendment shall have been agreed to by two-thirds of the members elected to each of the two Houses of the General Assembly, the same shall be entered on their journals with the "ayes" and "nays" taken thereon and shall be published and submitted to the people for ratification or rejection as one single amendment to the Constitution at the next General Election in August, 1945, as provided by law. Those voting in favor of the ratification of the amendment herein proposed shall have written or printed on their ballots

the words "for the amendment revising the Constitution." Those voting against the ratification of the amendment herein proposed shall have written or printed on their ballots the words "against the amendment revising the Constitution." If a majority of those voting vote for the amendment revising the Constitution when the results are certified to the Governor, he shall proclaim the amendment revising the Constitution of 1877 as the revised Constitution of Georgia.

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